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RIVERSIDE, SHAWN HUBACHECK,
and JIMMIE MCGUIRE

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

S.L. a minor by and through the
Guardian Ad Litem Kristine Llamas-
Leyva, individually and as successor-in-
interest to JOHNNY RAY LLAMAS,
deceased; V.L., by and through the
Guardian Ad Litem Amber Sietsinger,
individually and as successor-in-interest
to JOHNNY-RAY LLAMAS deceased;
and CAROLYN CAMPBELL,
individually,

Plaintiffs,

v.

COUNTY OF RIVERSIDE; and DOES
1-10, inclusive,

Defendant.

Case No.: 5:24-cv-00249-CAS(SP_x)
Hon. Christina A. Snyder

**KAYLEIGH ANDERSEN'S
DECLARATION IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT OR, IN
THE ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

Filed concurrently with
1. Notice of Motion and Memorandum
of Points and Authorities;
2. Statement of Unconverted Facts;
3. Proposed Judgment

Date: Monday, June 23, 2025
Time: 10:00 am
Crtrm.: Courtroom 8D__

Action Filed: 02/01/2024

DECLARATION OF KAYLEIGH ANDERSEN

I, Kayleigh Andersen, declare as follows:

1. I am an attorney at law duly authorized to practice before all the courts of the State of California and in all of the United States District Courts within the Central District of California. I am a partner in the law firm of Manning & Kass, Ellrod, Ramirez, Trester LLP, attorneys of record herein for Defendants COUNTY OF RIVERSIDE, SHAWN HUBACHECK, and JIMMIE MCGUIRE (collectively “Defendants”). If called and sworn as a witness to testify, I am competent to testify and would testify from my own personal knowledge as to the facts set forth in this declaration, except as to those matters that are stated on information and belief herein.

2. Attached hereto as Defendants’ **Exhibit 3** is a true and correct copy of the transcript of PSAP/Dispatch Audio from April 13, 2023.

3. Attached hereto as Defendants’ **Exhibit 5** is a true and correct copy of the transcript of PSAP/Dispatch Audio from April 14, 2023.

4. Attached hereto as Defendants’ **Exhibit 7** is a true and correct copy of the transcript of Sgt. Shawn Hubacheck’s bodyworn camera (“BWC”) video from April 14, 2023.

5. Attached hereto as Defendants’ **Exhibit 9** is a true and correct copy of the transcript of Lt. Michael Walsh’s bodyworn camera (“BWC”) video from April 14, 2023.

6. Attached hereto as Defendants’ **Exhibit 11** is a true and correct copy of the transcript of Deputy Shane Day’s bodyworn camera (“BWC”) video from April 14, 2023.

7. Attached hereto as Defendants’ **Exhibit 14** is a true and correct copy of the transcript of audio of interview of Carolyn Campbell dated April 15, 2023.

8. Attached hereto as Defendants’ **Exhibit 16** is a true and correct copy of Plaintiffs’ First Amended Complaint filed on September 27, 2024 as Docket No. 34.

1 9. Attached hereto as Defendants' **Exhibit 17** is a true and correct copy of
2 the October 23, 2024 deposition transcript of plaintiff Carolyn Campbell.

3 10. Attached hereto as Defendants' **Exhibit 18** is a true and correct copy of
4 the October 23, 20224 deposition transcript of Guardian ad Litem, Kristine Llamas-
5 Leyva.

6 11. Attached hereto as Defendants' **Exhibit 19** is a true and correct copy of
7 excerpts from the October 24, 20224 deposition transcript of Guardian ad Litem,
8 Amber Snetsinger.

9 12. Attached hereto as Defendants' **Exhibit 20** is a true and correct copy of
10 the December 18, 20224 deposition transcript of Shawn Hubacheck.

11 13. Attached hereto as Defendants' **Exhibit 21** is a true and correct copy of
12 the December 20, 20224 deposition transcript of Jimmie McGuire.

13 14. Attached hereto as Defendants' **Exhibit 22** is a true and correct copy of
14 the March 21, 2025 deposition transcript of Michael Walsh.

15 15. On May 5, 2025, my office sent email correspondence to Plaintiffs'
16 counsel which briefly addressed the arguments and issues to be advanced in
17 Defendants' Motion for Summary Judgment ("Motion"). On May 7, counsel for
18 plaintiff V.L., Benjamin Levine, and I met and conferred telephonically to discuss
19 the anticipated Motion. Despite our extensive meet and confer, the parties were
20 unable to resolve the issues raised in the Motion. Further, I sent follow-up emails to
21 counsel for plaintiffs S.L. and Carolyn Campbell on May 6, 7, 12, and 13, spoke on
22 the phone with an assistant to counsel on May 7 and 13, who advised of counsel's
23 complete unavailability until May 14. On May 14, I spoke on the phone with
24 counsel for plaintiffs S.L. and Carolyn Campbell, but the parties were unable to
25 resolve the issues raised in the Motion. Attached hereto as **Exhibit 23**, is a true and
26 correct copy of my email correspondence to Plaintiffs' counsel.

27 16. Attached hereto as Defendants' **Exhibit 24** is a true and correct copy of
28 the October 23, 2024 deposition transcript of Plaintiff S.L.

1 17. Attached hereto as Defendants' **Exhibit 25** is a true and correct copy of
2 the October 24, 2024 deposition transcript of Plaintiff V.L.

3 18. Pursuant to Local Rule 26-3.2, the numbering of Defendants' exhibits
4 are in sequential order beginning with **Exhibits Nos. 1, 2, 4, 6, 8, 10, 12, 13, and 15**
5 as set forth in Investigator Jordan Merle's Declaration and **Exhibits Nos. 3, 5, 7, 9,**
6 **11, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25** as set forth in this declaration.
7 Defendants have a total of **25** exhibits with each exhibit being referenced by the
8 same exhibit number by all declarants to avoid duplication.

9 I declare under penalty of perjury under the laws of the United States, that the
10 foregoing is true and correct.

11 Executed on May 16, 2025 in San Bernardino, California.

12 /s/ Kayleigh Andersen
13 Kayleigh Andersen
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7 Attorneys for Defendants, COUNTY OF
8 RIVERSIDE, SHAWN HUBACHECK,
and JIMMIE MCGUIRE
9

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12

13 S.L. a minor by and through the
Guardian Ad Litem Kristine Llamas-
14 Leyva, individually and as successor-in-
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15 deceased; V.L., by and through the
Guardian Ad Litem Amber Sietsinger,
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17 and CAROLYN CAMPBELL,
individually,

18 Plaintiffs,

19 v.

20 COUNTY OF RIVERSIDE; and DOES
21 1-10, inclusive,

22 Defendant.
23
24
25
26
27
28

Case No.: 5:24-cv-00249-CAS(SPx)
Hon. Christina A. Snyder

**INVESTIGATOR JORDAN
MERLE'S DECLARATION IN
SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT OR, IN THE
ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

Filed concurrently with
1. Notice of Motion and Memorandum
of Points and Authorities;
2. Statement of Unconverted Facts;
3. Proposed Judgment

Date: Monday, June 23, 2025
Time: 10:00 am
Crtrm.: Courtroom 8D__

Action Filed: 02/01/2024

DECLARATION OF INVESTIGATOR JORDAN MERLE

I, Inv. Jordan Merle, declare as follows:

1. I am employed as an Investigator for the Riverside County Sheriff's Department. I am currently assigned to the Professional Standards Bureau ("PSB") as an investigator. I have personal knowledge of the matters set forth herein below and if called upon to testify, I will competently testify hereto.

2. In my capacity as an Investigator for the Professional Standards Bureau, I serve as a custodian of records for the Riverside County Sheriff's Department. As such, I am familiar with the policies and procedures for maintaining case-related documents and files.

3. The Riverside County Sheriff's Department is in possession of and has maintained the following files, which include audio, video, and investigation materials, and are attached hereto as the following exhibits:

Defendants' Exhibit 1	True and correct copy of the Star 9 video from April 14, 2023
Defendants' Exhibit 2	True and correct copy of PSAP/Dispatch Audio from April 13, 2023
Defendants' Exhibit 4	True and correct copy of PSAP/Dispatch Audio from April 14, 2023
Defendants' Exhibit 6	True and correct copy of Sgt. Shawn Hubacheck's bodyworn camera ("BWC") video from April 14, 2023
Defendants' Exhibit 8	True and correct copy of Lt. Michael Walsh's bodyworn camera ("BWC") video from April 14, 2023

Defendants' Exhibit 10	True and correct copy of Deputy Shane Day's bodyworn camera ("BWC") video from April 14, 2023
Defendants' Exhibit 12	True and correct copy of Call Detail by RCSD for April 14, 2023
Defendants' Exhibit 13	True and correct copy of audio of interview of Carolyn Campbell dated April 15, 2023
Defendants' Exhibit 15	True and correct copy of Riverside Sheriff's Department Policy no. 300 Use of Force, dated February 16, 2023

I declare under penalty of perjury under the laws of the United States, that the foregoing is true and correct.

Executed on May 14, 2025

Jordan Merle
Inv. Jordan Merle

EXHIBIT 1

EXHIBIT 1



EXHIBIT 2

EXHIBIT 2



EXHIBIT 3

EXHIBIT 3

US DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Case No.: 5:2024cv00249

-----x

Llamas,

Plaintiff,

V.

County of Riverside, et al.

Defendants.

-----x

200. Audio. PSAP 0401323[COR 000320 - CONFIDENTIAL]

Page 2

APPEARANCES

Tim Ottieri
Officer Frank

Page 3

911 OPERATOR 1: 911, state your emergency.

MALE 1: Yeah. I'd like to report a felony I checked (inaudible). I know where his whereabouts are right now. They raided his house two times and they haven't been able to catch him. (Inaudible) this individual.

911 OPERATOR 1: I'm sorry, your phone is -- it's kind of difficult to understand what you're saying.

MALE 1: Oh --

911 OPERATOR 1: You want to report --

MALE 1: -- my phone is breaking out.

911 OPERATOR 1: You want to report

--
MALE 1: Okay. Just a second -- just a second. I'm in a rural area here in San Juan, California. Oh, Perris. I'm sorry. Go ahead.

911 OPERATOR 1: Okay. And you wanted to report a felon you said.

MALE 1: Yeah. Okay. Johnny Llamas.

911 OPERATOR 1: Johnny Llamas?

FEMALE 2: Are you still there.

911 OPERATOR 1: Yes, I'm here.

FEMALE 2: His name is Johnny Ray

Page 4

Llamas. L-L-A-M-A-S.

911 OPERATOR 1: And do you know their date of birth?

FEMALE 2: 5/5/'87.

911 OPERATOR 1: Okay. And where is he at?

FEMALE 2: He's -- he -- he's 22635 Shaw Court.

911 OPERATOR 1: What was the street name? I'm sorry?

FEMALE 2: Shaw. S-H-A-W.

911 OPERATOR 1: And like the Mead Valley area?

FEMALE 2: No, it's in Perris.

911 OPERATOR 1: Okay. And how do you know that he's there?

FEMALE 2: I just dropped off a girlfriend. So I'm taking her to the store and he was there.

911 OPERATOR 1: Okay.

FEMALE 2: And they need to hurry if they're going to come because he probably is going to take off. He's driving a dark blue Chevy Tahoe and I have the license plate for you.

911 OPERATOR 1: Okay. What is it?

Page 5

FEMALE 2: 7B as in boy, U as in umbrella, C as in Charlie, 580.

911 OPERATOR 1: And deputies have been looking for him, you said?

FEMALE 2: Oh, yes. This is the third time I've called on him.

911 OPERATOR 1: Okay. What is your name?

FEMALE 2: I don't want to give it.

911 OPERATOR 1: Okay. Did you see what color clothing he had on right now?

FEMALE 2: No, I didn't. The person's house that he was at, I asked whose car was that and he goes, Who do you think? I said, is it Johnny? And he goes, Yes. But he couldn't really tell me any more than that because Johnny will beat him up and he is a disabled homeless man.

911 OPERATOR 1: Okay. Do you know if he like carries weapons on him or anything like that?

FEMALE 2: Oh, yes. He's carrying weapons. He's got guns on him.

911 OPERATOR 1: Okay. Okay. We will send a deputy over there.

FEMALE 2: More than one.

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1 911 OPERATOR 1: Okay. Yeah, we'll send
2 a few.
3 FEMALE 2: Okay.
4 911 OPERATOR 1: Okay. Thank you.
5 FEMALE 2: Bye bye.
6 911 OPERATOR 2: 911, state your
7 emergency.
8 MR. OTTIERI: I'm calling to find out
9 why the helicopter is circling my property,
10 Greenwald in Lari Mark, like the emergency sheriff
11 in the street. I'm wondering if we should be
12 concerned.
13 911 OPERATOR 2: Let me check with her.
14 Give me one second. Okay. It looks like they are
15 checking the area for someone who ran from deputies.
16 MR. OTTIERI: Say it again.
17 911 OPERATOR 2: I don't see it -- they
18 are checking the area for someone who ran from
19 deputies.
20 MR. OTTIERI: Uh-huh.
21 911 OPERATOR 2: So I don't have a
22 description here, but I would say just stay inside
23 and then call us if you do see anyone suspicious.
24 MR. OTTIERI: Holy shit. That's what I
25 thought. We're all locked up but --

Page 8

1 OFFICER FRANK: Hi, this is 5 Frank 223.
2 Can you show me 10-7, please.
3 911 OPERATOR 3: Sure. You've got it.
4 OFFICER FRANK: Thank you.
5 911 OPERATOR 3: You're welcome. Have a
6 good night.
7 OFFICER FRANK: You too. Bye.
8 911 OPERATOR 3: Bye.
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Page 7

1 911 OPERATOR 2: Okay.
2 MR. OTTIERI: I'm at 20915 if you need
3 to reach me at this number.
4 911 OPERATOR 2: Okay. You're in
5 Greenwald?
6 MR. OTTIERI: Yeah. On 20915 Lari
7 Mark.
8 911 OPERATOR 2: Oh, okay. And what is
9 your name?
10 MR. OTTIERI: Tim Ottieri.
11 911 OPERATOR 2: Okay. What's your
12 phone number?
13 MR. OTTIERI: And I'm all locked up and
14 I'm watching my property.
15 911 OPERATOR 2: Okay. And what's your
16 phone number?
17 MR. OTTIERI: (805) 748-2965.
18 911 OPERATOR 2: Okay. I will let them
19 know. And yeah, if you do see anything or anyone
20 suspicious give us a call right away, okay?
21 MR. OTTIERI: Yeah.
22 911 OPERATOR 2: All righty. Thank you.
23 Bye.
24 911 OPERATOR 3: Dispatch, this is
25 Talia(phonetic).

Page 9

1 CERTIFICATE OF TRANSCRIPTION
2 I STEPHEN SIMPSON, TRANSCRIBER, DO HEREBY CERTIFY; THAT
3 I WAS AUTHORIZED TO AND DID TRANSCRIBE THE AUDIO FILE;
4 AND THAT THE FOREGOING PAGES ARE A TRUE AND CORRECT
5 TRANSCRIPTION OF MY NOTES.
6 I FURTHER CERTIFY THAT I AM NOT AN ATTORNEY OR COUNSEL
7 OF ANY OF THE PARTIES, NOR AM I A RELATIVE OR EMPLOYEE
8 OF ANY ATTORNEY OR COUNSEL OF ANY PARTY CONNECTED WITH
9 THE ACTION, NOR AM I FINANCIALLY INTERESTED IN THE
10 ACTION.
11 THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT DOES NOT
12 APPLY TO ANY REPRODUCTION OF THE SAME BY ANY MEANS
13 UNLESS UNDER THE DIRECT CONTROL AND/OR DIRECTION OF THE
14 CERTIFYING TRANSCRIBER.
15 DATED THIS 12TH DAY OF SEPTEMBER 2024
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17 STEPHEN SIMPSON, TRANSCRIBER
18
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<p>A</p> <p>able 3:6 ACTION 9:9,10 ahead 3:18 al 1:10 AND/OR 9:13 APPLY 9:12 area 3:17 4:13 6:15,18 asked 5:13 ATTORNEY 9:6,8 Audio 1:15 9:3 AUTHORIZED 9:3</p>	<p>5:6 calling 6:8 car 5:13 carries 5:19 carrying 5:21 Case 1:3 catch 3:6 CENTRAL 1:1 CERTIFICATE 9:1 CERTIFICATION 9:11 CERTIFY 9:2,6 CERTIFYING 9:14 Charlie 5:2 check 6:13 checked 3:4 checking 6:15,18 Chevy 4:23 circling 6:9 clothing 5:11 color 5:11 come 4:22 concerned 6:12 CONFIDENTIAL 1:15 CONNECTED</p>	<p>9:8 CONTROL 9:13 CORRECT 9:4 COUNSEL 9:6,8 County 1:10 Court 1:1 4:8</p> <p>D</p> <p>dark 4:23 date 4:3 DATED 9:15 DAY 9:15 Defendants 1:11 deputies 5:3 6:15,19 deputy 5:24 description 6:22 difficult 3:9 DIRECT 9:13 DIRECTION 9:13 disabled 5:17 Dispatch 7:24 DISTRICT 1:1,1 driving 4:23 dropped 4:17</p>	<p>E</p> <p>E 2:1,1 emergency 3:2 6:7,10 EMPLOYEE 9:7 et 1:10</p> <p>F</p> <p>felon 3:20 felony 3:4 FEMALE 3:23,25 4:4,7,11,14 4:17,21 5:1,5,9,12 5:21,25 6:3,5 FILE 9:3 FINANCIALLY 9:9 find 6:8 FOREGOING 9:4,11 Frank 2:3 8:1,1,4,7 FURTHER 9:6</p>
<p>B</p> <p>beat 5:16 birth 4:3 blue 4:23 boy 5:1 breaking 3:13 bye 6:5,5 7:23 8:7,8</p> <p>C</p> <p>C 2:1 5:2 California 1:1 3:18 call 6:23 7:20 called</p>			<p>G</p> <p>girlfriend 4:18 give 5:9 6:14 7:20 Go 3:18 goes 5:14,15 going 4:22,22 good 8:6 Greenwald</p>

6:10 7:5 guns 5:22	4:24 Llamas 1:6 3:21,22 4:1 locked 6:25 7:13 looking 5:4 looks 6:14	OPERATOR 3:1,8,12,14,19,22,24 4:2,5,9,12,15,20,25 5:3,7,10,18,23 6:1,4 6:6,13,17,21 7:1,4,8 7:11,15,18,22,24 8:3,5,8 Ottieri 2:2 6:8,16,20,24 7:2 7:6,10,10,13,17,21	ran 6:15,18 Ray 3:25 reach 7:3 really 5:15 RELATIVE 9:7 report 3:3,12,14,20 REPRODUCTION 9:12 right 3:5 5:11 7:20 righty 7:22 Riverside 1:10 rural 3:17
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L			
L-L-A-M-A-S 4:1 Lari 6:10 7:6 license			

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T Tahoe 4:23 take 4:23 Talia(phonetic) 7:25 tell 5:15 Thank 6:4 7:22 8:4 think 5:14 third 5:5 thought 6:25 Tim 2:2 7:10 time 5:6 times 3:6 TRANSCRIBE 9:3	U U 5:1 Uh-huh 6:20 umbrella 5:2 understand 3:9 V V 1:8 Valley 4:13 W want 3:12,14 5:9 wanted 3:19 watching 7:14 we'll 6:1 We're 6:25 weapons 5:19,22 welcome 8:5 whereabouts 3:5 wondering 6:11		

EXHIBIT 4

EXHIBIT 4



EXHIBIT 5

EXHIBIT 5

US DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Case No.: 5:2024cv00249

-----x

Llamas,

Plaintiff,

v.

County of Riverside, et al.

Defendants.

-----x

201. Audio. Radio Dispatch 041423[COR 000328 -
CONFIDENTIAL]

1 FEMALE 1: Northern Perris County Unit.
2 We're getting a priority 2 call in the 42B 22635
3 Shaw Court. Anonymous RP advising they were just
4 97. The location had a visual of a Johnny Llamas,
5 5587 at the location. He was seen arriving in a
6 dark blue Chevy Tahoe, 7 Boy, Union, Charles, 580.
7 I need additional Frank times three.
8 MALE 1: 3PC (inaudible).
9 FEMALE 1: 3PC --
10 MALE 2: 536.
11 FEMALE 1: 536?
12 MALE 2: I just took this one vehicle
13 report for the plate you just put out.
14 FEMALE 1: 536, I copy.
15 MALE 1: (Inaudible).
16 MALE 3: 3PC 41, I'll put my call back
17 in pending and I'll be en route.
18 FEMALE 1: 3PC 41 --
19 MALE 4: 5624, show me en route as well.
20 FEMALE 1: 5624, copy.
21 MALE 1: (Inaudible) they're en route.
22 Is there any K-9 units logged on subject?
23 FEMALE 1: Any K-9 units monitoring
24 person.
25 MALE 1: Yeah, possibly might be armed.

1 Is everyone good?

2 FEMALE 1: K-931, we're getting
3 information that Johnny Llamas is at the address off
4 of Shaw Court, 22635 Shaw. Were you able to
5 respond.

6 MALE 1: For myself and K-912 we're en
7 route.

8 FEMALE 1: K-931 and 12 en route.

9 MALE 4: 5624.

10 FEMALE 1: Go ahead.

11 MALE 4: Just for info, Johnny Llamas
12 will run and he's made statements in the past that
13 he will die before he goes back to jail.

14 FEMALE 1: I copy. (Inaudible).

15 MALE 2: 5424, copy you showed
16 (inaudible) call as well.

17 FEMALE 1: I copy. We're attempting to
18 get him over there now.

19 MALE 1: And 4PC 44, he might be armed
20 too. He did a 211 last week.

21 FEMALE 1: I copy. The RP did advise
22 that he is known to carry weapons. And the
23 anonymous RP is no longer 97 and Fowley.

24 MALE 1: Start 98 (inaudible) sir.

25 FEMALE 1: Star 98, we have several

1 units en route to a priority 2, 22635 Shaw Court in
2 Mead Valley. It will be Perris County 66066 to
3 reference a Johnny Llamas 5587 Frank times 3 known
4 to carry weapons. Possibly also has a stolen
5 vehicle. Was seen at this location by an anonymous
6 RP. Were you able to assist.

7 MALE 1: We just set out for fuel, so
8 three, four minute before we can take off
9 (inaudible) 66.

10 FEMALE 1: I copy, approximately 10
11 minute ETA for fuel.

12 MALE 2: (Inaudible) and then given 787
13 point and make sure that any unit has a 40 as well
14 as spikes to use.

15 FEMALE 1: Unit with the 40 and unit
16 with spike?

17 MALE 2: DVC 40, 87 on Richard and
18 Theta.

19 FEMALE 1: 87 at Richard and Theta for
20 units responding. 87 Richard and Theta.

21 MALE 1: And now it'll be 10 minutes
22 before we can take off so we take probably about 20
23 to 25. We're refueling now.

24 FEMALE 1: Star 98, I copy.

25 MALE 2: We are here already. Can we

1 run that address for context? And has anybody
2 called the RP yet.

3 FEMALE 1: The RP requested to remain
4 anonymous and they're no longer there.

5 MALE 2: (Inaudible) on that address,
6 we hit that address two weeks ago and we got 15
7 stolen cars off the property and Johnny ran from us
8 when we was over there.

9 FEMALE 1: RPC 44, I copy. As far as
10 the most recent contact I'm showing from 2020 for a
11 Mary Helen Castro 32471 victim of a 2735.
12 (Inaudible) confirm code for me.

13 MALE 2: Sure. (Inaudible) 5424.

14 FEMALE 1: Go ahead.

15 MALE 2: Several units that are rolling
16 into this 287 at Richard and Theta. And do we have
17 any -- do you see or set units, or -- on right now
18 that have access to UC rights.

19 FEMALE 1: And you said you're to
20 direct?

21 MALE 4: 5624. I can head back to the
22 station and UC up if he needs but I'm going to
23 spell.

24 MALE 2: Okay. Let's go a head and do
25 that and I'll go on standby.

1 MALE 1: Okay. 5624, 1002 please?

2 MALE 4: 5624, 97 to station.

3 FEMALE 1: I copy. You've done any
4 dispatch.

5 MALE 1: None. Go ahead.

6 FEMALE 1: I'm getting a request from
7 Harupa, if you can copy on their car to car when
8 available. Reference a possible armed subject.
9 They're where your 106 referenced this call.

10 MALE 1: Okay. Copy that. And we're
11 just about to take off here so I'd say about 10
12 minutes to your call, and we'll copy on Harupa car
13 to car.

14 FEMALE 1: I copy. Thank you, sir.

15 MALE 1: It was Chalti, right? Not
16 primary.

17 FEMALE 1: Affirmative. Car to car
18 Jurupa. Repairs 3660 check.

19 MALE 1: 24.

20 FEMALE 1: 24. Repairs 31 and 34
21 confirming 97 to 87 point.

22 MALE 1: No, for now.

23 FEMALE 1: I copy.

24 MALE 5: This is 150. I'm out with him
25 as well.

1 FEMALE 1: 150, I copy.

2 MALE 2: 150 is passing us now. K-9 is

3 passing us. K-931, the vehicle is now westbound

4 Richard 103.

5 FEMALE 1: (Inaudible) that's on Shaw.

6 The vehicle now westbound Richard.

7 MALE 6: SR 103 --

8 FEMALE 1: SR 103 you cut off.

9 MALE 6: SR 103, attempted spikes. They
10 were not successful.

11 FEMALE 1: Copy, attempted spikes not
12 successful.

13 MALE 6: Where'd he go.

14 MALE 2: 536, I'm behind him.

15 FEMALE 1: 536 (inaudible) 20.

16 MALE 2: Highway 74. He's turning off
17 of river road.

18 FEMALE 1: Highway 74 and river.

19 MALE 2: We're on river (inaudible).

20 FEMALE 1: River (inaudible)?

21 MALE 2: Turning off of Mead Ave.

22 FEMALE 1: Turning off of Mead.

23 MALE 1: Channel 162, (inaudible)

24 against rolling the end.

25 MALE 3: Channel 18 for the helicopter.

1 FEMALE 1: Stern, any need direct.
2 MALE 1: Oh, five out.
3 FEMALE 1: Copy. Five out. 536,
4 advisor updated 20.
5 MALE 2: On Jarvis.
6 FEMALE 1: Jarvis in what cross?
7 MALE 2: Jarvis and Wallace.
8 FEMALE 1: Jarvis and Wallace. Advisor
9 on pursuit?
10 MALE 2: Negative at this time.
11 FEMALE 1: Negative on a pursuit as of
12 now.
13 MALE 1: Any other units set up -- get
14 ready, set up spikes in case he turns around.
15 Channel 162. Let's get some spikes on Highway 74.
16 FEMALE 1: You need two spike at Highway
17 74.
18 MALE 1: 4PC 40, we're now here in
19 Highway 74.
20 FEMALE 1: 4PC 40, en route.
21 MALE 1: 4PC 40 en route to the station.
22 Updated 21 Garfield towards Robert Street.
23 FEMALE 1: Garfield towards Roberts.
24 MALE 1: 1031, the driver was wearing a
25 dark hoodie, had a dog in the front seat.

1 FEMALE 1: Copy. The driver was last
2 seen wearing a dark hoodie sweater with a dog in the
3 front seat. 536, do you have an updated 20?

4 MALE 2: Negative.

5 FEMALE 1: Did you lose the vehicle?

6 MALE 2: I lost visual on Robert
7 Street.

8 FEMALE 1: Vehicle loss -- correction.
9 Lost visual at Roberts.

10 MALE 1: (Inaudible) North or South by
11 any chance?

12 FEMALE 1: 536?

13 MALE 2: (Inaudible.)

14 FEMALE 1: Confirming lost visual
15 northbound?

16 MALE 2: Confirm.

17 FEMALE 1: Lost visual of the vehicle
18 northbound Roberts.

19 MALE 2: (Inaudible) unit at Greenwald
20 and Maurizio (ph) and Laurie (inaudible).

21 FEMALE 1: Units at Greenwald and
22 Mauricio.

23 MALE 1: 44 ahead there. That's where
24 they used to come out. They've been dumping the
25 vehicles at that location too.

1 FEMALE 1: Unit with HT-04428 advise on
2 your Code Red? Perry City unit with radio 04428
3 advise on your Code Red? (Inaudible) 32, can you
4 advise on your HT number?

5 MALE 3: 4427 on Code 4.

6 MALE 2: Mm-hmm.

7 FEMALE 1: I copy.

8 FEMALE 1: Watch commander confirming
9 you copied this HT is not logged on that hit that
10 Code Red. 04428.

11 MALE 1: I copy.

12 FEMALE 1: (Inaudible.)

13 MALE 3: 10-4134 what's en route.

14 FEMALE 1: Confirm.

15 MALE 2: Two out from the Garfield
16 westbound. And then what's the car we're looking
17 for.

18 FEMALE 1: It's a dark blue Chevy Tahoe.
19 License 7 Boy Union Charles 580. Driver was wearing
20 a dark hoodie sweater and had a dog in the front
21 seat. And it'll have a faded hood.

22 MALE 3: (Inaudible).

23 FEMALE 1: Copy.

24 MALE 2: It was Garfield and Mauricio
25 last known, right.

1 FEMALE 1: They -- the unit lost visual
2 northbound of Roberts. We were trying to set up a
3 perimeter at Greenwald and Mauricio. Unit at the
4 corner of Santa Cino and Perris advise? On 1033,
5 five step 50, safety check? On 1033. Five step 50,
6 safety check?

7 MALE 3: Code 4, 108.

8 FEMALE 1: 4 in 8.

9 MALE 1: Perris 150.

10 FEMALE 1: Perris 150.

11 MALE 2: That's going for us. We lost
12 visual of the guy. You can drop the marker.

13 FEMALE 1: Copy and advise. Minimum or
14 10-34?

15 MALE 2: Unit 10-34 we're now -- we're
16 out looking for.

17 FEMALE 1: Copy. It's 1034P, 10-34.

18 MALE 3: 5450.

19 FEMALE 1: Go ahead.

20 MALE 3: Can one of the Perris units
21 advise us if Victor has that LA sticker and cowboy
22 sticker on the rear.

23 FEMALE 1: 536, can you advise?

24 MALE 2: Yeah. He did have a cowboy
25 star sticker on the rear window.

1 MALE 3: Negative, they didn't have a
2 visual of the sticker.

3 FEMALE 1: I copy, per 174 it will have
4 a cowboy sticker.

5 MALE 1: (Inaudible) 40, from the flock
6 camera that's going to have a large cowboy sticker
7 in the rear of the vehicle. And then on the right
8 bottom side of the rear window can have an LA Dodger
9 sticker.

10 FEMALE 1: Copy per the flock camera
11 we'll have a large cowboy sticker on the rear and a
12 right bottom side. LA large Dodger sticker. Perry
13 897.

14 MALE 3: (Inaudible).

15 FEMALE 1: Advise your primary
16 Greenwald.

17 MALE 3: Aubrey.

18 FEMALE 1: Copy out with the vehicle.
19 Aubrey and Greenwald.

20 MALE 1: (Inaudible) same traffic.
21 Looks to be unoccupied.

22 FEMALE 1: Copy. Vehicle appears
23 unoccupied.

24 MALE 3: 134. So we get some units
25 over there and starts setting up a wide perimeter.

1 FEMALE 1: And it's to start to Aubrey
2 and Greenwald.

3 MALE 1: 5 Frank 223. Show me out at
4 Susan and Greenwald. Cover this north and western
5 premier.

6 MALE 2: (Inaudible.)

7 FEMALE 1: Copy. Clearing the vehicle.

8 MALE 3: We got a other unit, Mauricio
9 Greenwald.

10 FEMALE 1: Unit 2, Mairicio Greenwald.

11 MALE 3: 4PC 44. I'm already 97 at
12 location.

13 FEMALE 1: 4PC 4497, Mauricio and
14 Greenwald. Unit to 74 in Watson Canyon.

15 MALE 1: 252. I can take that.

16 FEMALE 1: All right. 252 en route.

17 MALE 2: 3697** in the area. Be
18 moving.

19 FEMALE 1: I copy.

20 MALE 2: SR 103.

21 FEMALE 1: (Inaudible.)

22 MALE 3: (Inaudible) vehicle's clear.

23 FEMALE 1: Copy. Vehicle clear and 174
24 reference speed.

25 MALE 1: Sheriff 174. Any weapons in

1 the vehicle?

2 FEMALE 1: 34 advise? 34 Canyon 62

3 advise if there was weapons in the vehicle?

4 MALE 3: There's 150 -- the vehicle's
5 clear. Three repairs 34 standby with us and we'll
6 be setting up a large perimeter around the vehicle.

7 FEMALE 1: Copy of vehicle's clear and
8 three (inaudible) 34 standing by with the vehicle.
9 And 174 and following reference that HT that hit
10 their Code Red, it's coming from the station.

11 MALE 2: 5724. I'm at the station.
12 I'll check on it.

13 FEMALE 1: Copy. Thank you. It's going
14 to be HT radio 04428. It's not logged.

15 MALE 1: One minute. Dispatch officer.

16 FEMALE 1: I copy.

17 MALE 2: (Inaudible) 50 units out with
18 that car, if you go straight across the street to
19 the east, Milo and Greenwald, there's two subjects
20 standing outside on the front porch. One you can
21 just ask them see if they need to saw run somewhere.

22 MALE 3: And 159, just for info, when
23 he initially took off back at our staging point, he
24 was being followed by a older gray colored possibly
25 Chevy Silverado. It had like a dirt bike or

1 motorcycle in the back of it. So (inaudible) the
2 description I can give you at this point, but might
3 be a vehicle we can look for as well.

4 MALE 1: Copy, gray Chevy Silverado,
5 possibly motorcycle at the back.

6 FEMALE 1: And 174 reference showing at
7 the station, where we could afford a clearance.

8 MALE 1: (Inaudible).

9 FEMALE 1: Copy on units. It's 1034.

10 MALE 1: 1031, myself (inaudible), the
11 car. We're going to check and see if there's any
12 DOT from the footprint.

13 FEMALE 1: K-931 and 12 out with the
14 vehicle. We'll be checking for footprints for a
15 DOT.

16 MALE 2: Press 174.

17 FEMALE 1: Press 174.

18 MALE 2: We are on a map right now. I
19 just want to confirm that -- if we have a unit at
20 the end of Aubrey Street.

21 MALE 3: 53536.

22 FEMALE 1: 53536, now at the end of
23 Aubrey Lake.

24 MALE 2: (Inaudible) it's going to be
25 just east of Robert Street and Garfield Road. It's

1 for the unit. It's -- I just need to get pulled
2 out.

3 FEMALE 1: 1PC 49.

4 MALE 1: 189.

5 FEMALE 1: 189.

6 MALE 1: (Inaudible).

7 FEMALE 1: I copy. Thank you sir.

8 MALE 1: This unit (inaudible) looks
9 like the (inaudible) pretty good.

10 FEMALE 1: Copy. You're requesting 1185
11 for the unit east of Robert? Can you advise the
12 primary?

13 MALE 2: Robert and Garfield.

14 FEMALE 1: I copy Robert and Garfield.

15 MALE 2: (Inaudible).

16 FEMALE 1: 344 traffic.

17 MALE 1: Disregard.

18 FEMALE 1: I copy.

19 MALE 2: (Inaudible).

20 FEMALE 1: Copy. 53536 (inaudible) been
21 advised they're en route.

22 MALE 2: Copy. Thank you. Do we have
23 an EPA.

24 FEMALE 1: Negative. I could read Lane
25 9. One moment.

1 MALE 2: R 1931.

2 MALE 1: Go ahead, sir.

3 MALE 2: Any significant signatures
4 around in these yard where we're standing.

5 FEMALE 1: 53536, it'll be 30 minutes.

6 MALE 1: (Inaudible) the adjacent and
7 connecting properties and a couple were past it.
8 I've got nothing so far. Nothing, sir.

9 FEMALE 1: 150 or 174. Reference the
10 call on Shaw. We're still patched with (inaudible).
11 Did we want to keep the patch or drop it?

12 MALE 2: Channel 162.

13 FEMALE 1: Go ahead.

14 MALE 2: Did anyone see the driver?
15 Just to confirm the PID that was our primary
16 suspect.

17 FEMALE 1: 536?

18 MALE 2: Negative. No vision on the
19 driver.

20 FEMALE 1: 104. Did anybody see the
21 driver for a positive ID?

22 MALE 2: (Inaudible) the driver.
23 That's Johnny Llamas.

24 FEMALE 1: Okay.

25 MALE 1: 174, same here. 10162 copy.

1 And then there's -- Star 9, does that perimeter look
2 pretty much good? I saw it around this block.

3 FEMALE 1: 10931.

4 MALE 1: (Inaudible).

5 MALE 2: Actually you got to be a
6 little bit closer right there. Stand right there.

7 MALE 1: Channel 162.

8 FEMALE 1: Go ahead.

9 MALE 1: Based on Star 9's, video that
10 I'm watching. I have a lot of deputies doing
11 independent searching of an armed suspect. I
12 suggest they stay street side.

13 FEMALE 1: For all units on the
14 perimeter reference the armed suspect, remain on
15 street side.

16 MALE 1: (Inaudible) if you had a heat
17 signature or an indication, the suspect may be
18 nearby. Just let Star 9. Check it out. And if we
19 need to follow up with a team we will. Star 9,
20 K-931 behind the trailer. First trailer, I'm
21 illuminating now. On the ground we have a
22 (inaudible). Perris 107, which unit was at and
23 where you at?

24 FEMALE 1: 31.

25 MALE 1: We're on Greenwald just south

1 of Roberts, that first yard.

2 MALE 3: (Inaudible).

3 FEMALE 1: Go ahead.

4 MALE 3: Oneleg at 95.

5 FEMALE 1: One leg at 95.

6 MALE 3: Can you show me out on PC 66?

7 I'm going to be on the perimeter at Greenwald and
8 phonetically, Mary Adam, Union Robert Ida Charles at
9 Ocean.

10 FEMALE 1: (Inaudible).

11 MALE 1: For that spot there, it's
12 looking like farm equipment or some sort of heavy
13 equipment or rocks. I'm not getting any significant
14 resource unless he's under one of those cars in that
15 trailer. (Inaudible).

16 MALE 2: 526.

17 FEMALE 1: 526?

18 MALE 2: (Inaudible) that a two vehicle
19 confirming, I came back to an address in
20 (inaudible).

21 FEMALE 1: Affirm 2018 BMW returns to a
22 Dwayne or Keisha Moore 29272 (inaudible).

23 MALE 2: Hey Bob, any of your guys in
24 UC cars.

25 MALE 1: Yeah, there's about three or

1 four of us in UC cars. Otherwise we've got stealth.

2 MALE 2: Can you guys go check out that
3 address.

4 MALE 1: Okay. That unit down with the
5 abandoned car, is there any chance you can see a
6 footprint, possible direction out of the driver's
7 seat? We try get this real fine speed gravel all
8 over.

9 New Speaker: Copy. Thanks.

10 FEMALE 1: One leg at 95?

11 MALE 3: (Inaudible).

12 FEMALE 1: Update your 20.

13 MALE 1: I'm on the perimeter on the PC
14 66 file.

15 FEMALE 1: Okay.

16 MALE 2: Car to car, Star 9, first 174.
17 If nothing else sir, we can start breaking down the
18 perimeter, and we'll just need a UC ride to a road
19 here for a little bit and I'll need a unit to come
20 and recover theTahoe.

21 MALE 1: Got it. I copy direct. I'm
22 not picking up anything.

23 MALE 2: Thanks. Copy sir. Thanks for
24 your help. To all the perimeter units you can break
25 it down and if I could have a primary 87 year

1 Greenwald and Aubrey for the recovery.

2 FEMALE 1: All units on the armed
3 subject call if you can break down the perimeter and
4 I'll be dropping a (inaudible).

5 MALE 1: Welcome anytime (inaudible).

6 MALE 2: Dispatch. Thanks for help.

7 FEMALE 1: (Inaudible) copy it.

8 MALE 1: 44.

9 FEMALE 1: 40, you're recovering the
10 vehicle.

11 MALE 1: I affirm.

12 FEMALE 1: Sure.

13 MALE 1: 51024.

14 FEMALE 1: Go ahead.

15 MALE 1: I'll be in the area of the
16 perimeter in a UC. I'll be roving.

17 FEMALE 1: Sure.

18 MALE 4: (Inaudible).

19 FEMALE 1: Go ahead.

20 MALE 4: I believe it's 9 Ave Charles
21 Henry, 606.

22 FEMALE 1: (Inaudible) current 2013 Ford
23 out of Perris.

24 MALE 1: (Inaudible).

25 FEMALE 1: Go ahead.

1 MALE 1: Can I get a 1185 please?
2 FEMALE 1: Nothing special. I copy.
3 MALE 1: No special. Thank you.
4 FEMALE 1: Copy. Standby.
5 MALE 1: (Inaudible).
6 FEMALE 1: (Inaudible). Go ahead.
7 MALE 1: 3167 Young Victor David, 765,
8 near Highway 74 just west of Sophie.
9 FEMALE 1: 74 west of Sophie. 3PC 48.
10 It'll be a brother's tow. 29 current eight Honda at
11 a Paris, west Rodriguez.
12 MALE 1: (Inaudible) 52497, the station.
13 FEMALE 1: On minimum. 5PC 40, section
14 3PC 40.
15 MALE 1: 3PC 40. Can we try to obtain
16 ETA from Brother Hill?
17 FEMALE 1: Confirm standby. PC 40.
18 MALE 1: Go ahead ma'am.
19 FEMALE 1: Brothers to advise they're at
20 22635 Shaw Court and unable to locate any deputy.
21 Can you advise about a 20.
22 MALE 1: I'm sorry ma'am, it's going to
23 be Greenwald and Aubrey Street.
24 FEMALE 1: Greenwald and Aubrey Street.
25 I'll advise.

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EXHIBIT 6

EXHIBIT 6



EXHIBIT 7

EXHIBIT 7

BWC AUDIOS

AUDIO: 302. BWC. CONTACT W SUSPECT & CRIME SCENE BY
SGT. HUBACHEK 041423 [COR 000479 - CONFIDENTIAL]

IN THE MATTER OF:
LLAMAS V. COUNTY OF RIVERSIDE, ET AL.

RB# 1298225

1 [P R O C E E D I N G S:]

2 UNIDENTIFIED SPEAKER: Okay. Let's go.

3 UNIDENTIFIED SPEAKER: We've got to move on
4 him because that house could be occupied. Let's go.

5 UNIDENTIFIED SPEAKER: Hey, hard cover to the
6 left. Hard cover to the left.

7 UNIDENTIFIED SPEAKER: We're advancing on the
8 house --

9 UNIDENTIFIED SPEAKER: I'm taking them wide
10 over here.

11 UNIDENTIFIED SPEAKER: Okay. I've got middle,
12 I've got middle.

13 UNIDENTIFIED SPEAKER: Do not move.

14 UNIDENTIFIED SPEAKER: Gun's pointed right at
15 us.

16 UNIDENTIFIED SPEAKER: I see it, I see it.
17 Watch that gun, watch that gun.

18 UNIDENTIFIED SPEAKER: I got him, I got him.

19 UNIDENTIFIED SPEAKER: I'll handcuff. Stand
20 by.

21 UNIDENTIFIED SPEAKER: Okay. I've got lethal,
22 Jimmy (phonetic).

23 UNIDENTIFIED SPEAKER: Okay.

24 UNIDENTIFIED SPEAKER: Good backdrop for that
25 house. Glove up. Stand by.

1 UNIDENTIFIED SPEAKER: I've got lethal. You
2 guys have got cuff.

3 UNIDENTIFIED SPEAKER: Just hold what you've
4 got, baby.

5 UNIDENTIFIED SPEAKER: We're good to go as
6 we're good.

7 UNIDENTIFIED SPEAKER: Hang on, Walsh
8 (phonetic). I'm with you.

9 UNIDENTIFIED SPEAKER: Just stand by, Walsh.

10 UNIDENTIFIED SPEAKER: Copy, sir.

11 UNIDENTIFIED SPEAKER: Okay. I'm going to
12 roll them to this way.

13 UNIDENTIFIED SPEAKER: Yeah, good to go.

14 UNIDENTIFIED SPEAKER: Slow down. Here we go.

15 UNIDENTIFIED SPEAKER: We're good. We're
16 good. We're good. We're good. Already (inaudible).

17 UNIDENTIFIED SPEAKER: Mac (phonetic), we have
18 one detained. Dispatch, we need medical up here ASAP.

19 UNIDENTIFIED SPEAKER: Just check him for
20 weapons?

21 UNIDENTIFIED SPEAKER: Yeah. I'm looking.

22 UNIDENTIFIED SPEAKER: Check for weapons.

23 UNIDENTIFIED SPEAKER: Yeah. I'll start
24 (inaudible). Hey, I'm moving the gun.

25 UNIDENTIFIED SPEAKER: Okay.

1 UNIDENTIFIED SPEAKER: Can you separate the
2 feet here?

3 UNIDENTIFIED SPEAKER: All right.

4 UNIDENTIFIED SPEAKER: All right. We're good.

5 UNIDENTIFIED SPEAKER: You hit? You hit?

6 UNIDENTIFIED SPEAKER: No, I'm good.

7 UNIDENTIFIED SPEAKER: You good?

8 UNIDENTIFIED SPEAKER: I'm good.

9 UNIDENTIFIED SPEAKER: Okay.

10 UNIDENTIFIED SPEAKER: Walsh, did you shoot?

11 WALSH: I did not fire. Hey, someone's gloves

12 --

13 UNIDENTIFIED SPEAKER: Mason (phonetic), I
14 need patrol up to our location.

15 UNIDENTIFIED SPEAKER: LT, I'm going to check
16 this backdrop and make sure no one got there.

17 UNIDENTIFIED SPEAKER: We have a suspect down.
18 We have two shooters. Two EST shooters. All deputies
19 code 4.

20 UNIDENTIFIED SPEAKER: Hey, how about checking
21 (inaudible) at the top.

22 UNIDENTIFIED SPEAKER: Jimmy?

23 UNIDENTIFIED SPEAKER: Anyone else on the
24 property, you guys don't know the property.

25 UNIDENTIFIED SPEAKER: Did he or other EST

1 guys en-route? If not, I'm going to go get my phone
2 and send them.

3 UNIDENTIFIED SPEAKER: Send what?

4 UNIDENTIFIED SPEAKER: More units here. EST
5 units.

6 UNIDENTIFIED SPEAKER: I already said that on
7 the air. They're dispatching more.

8 UNIDENTIFIED SPEAKER: Okay.

9 UNIDENTIFIED SPEAKER: If that's what you're
10 asking.

11 UNIDENTIFIED SPEAKER: I'm going to go to the
12 front for medical. You code 4?

13 UNIDENTIFIED SPEAKER: I need --

14 UNIDENTIFIED SPEAKER: What do you need?

15 UNIDENTIFIED SPEAKER: Bring my unit up here.

16 UNIDENTIFIED SPEAKER: Okay.

17 UNIDENTIFIED SPEAKER: 22250, location of OIS
18 and where we need medical.

19 UNIDENTIFIED SPEAKER: 18513.

20 UNIDENTIFIED SPEAKER: Okay. According to me,
21 that's not the location. Suspect possibly at 18513
22 (inaudible).

23 UNIDENTIFIED SPEAKER: Okay. Dispatch, I
24 don't know if it's River or not.

25 UNIDENTIFIED SPEAKER: Where's the firearm?

1 UNIDENTIFIED SPEAKER: Hey, Hook (phonetic).

2 UNIDENTIFIED SPEAKER: Yeah.

3 UNIDENTIFIED SPEAKER: Do me a favor. Just
4 take the firearm. Push it by the white fence.

5 UNIDENTIFIED SPEAKER: Nope. I'm rolling
6 camera.

7 UNIDENTIFIED SPEAKER: Okay.

8 UNIDENTIFIED SPEAKER: What do you need,
9 Walsh?

10 WALSH: There's a blowout kit on my passenger
11 seat.

12 UNIDENTIFIED SPEAKER: Copy that. Tom
13 (phonetic), can you help us with that?

14 UNIDENTIFIED SPEAKER: (Inaudible).

15 UNIDENTIFIED SPEAKER: Jimmy, I don't have
16 one.

17 UNIDENTIFIED SPEAKER: (Inaudible).

18 UNIDENTIFIED SPEAKER: What's that?

19 UNIDENTIFIED SPEAKER: What's up, sir?

20 UNIDENTIFIED SPEAKER: Gunshot wound.

21 UNIDENTIFIED SPEAKER: How many times?

22 UNIDENTIFIED SPEAKER: Multiple. I'm not
23 sure.

24 UNIDENTIFIED SPEAKER: Okay. I think I heard
25 two or five.

1 UNIDENTIFIED SPEAKER: I was one. At least
2 five.

3 UNIDENTIFIED SPEAKER: Okay.

4 UNIDENTIFIED SPEAKER: (Inaudible) all?

5 UNIDENTIFIED SPEAKER: No. 114, medics, 97
6 with the suspect that's down.

7 UNIDENTIFIED SPEAKER: (Inaudible).

8 UNIDENTIFIED SPEAKER: We're looking for major
9 bleeders.

10 UNIDENTIFIED SPEAKER: Got hit in the head, I
11 believe. It's --

12 UNIDENTIFIED SPEAKER: I need security up
13 here. I need a critical incident log right here.

14 UNIDENTIFIED SPEAKER: No idea.

15 UNIDENTIFIED SPEAKER: Yeah.

16 UNIDENTIFIED SPEAKER: And just checking in
17 case you are hemorrhaging.

18 UNIDENTIFIED SPEAKER: Hey, Sanchez
19 (phonetic)?

20 UNIDENTIFIED SPEAKER: Yes, sir.

21 UNIDENTIFIED SPEAKER: The OIS occurred there.
22 I don't know where the shell casings are at, so you
23 need to do a critical incident log and look for the
24 casings, please.

25 UNIDENTIFIED SPEAKER: You guys want to take

1 over?

2 UNIDENTIFIED SPEAKER: Yeah.

3 UNIDENTIFIED SPEAKER: Okay.

4 UNIDENTIFIED SPEAKER: I will wait till my
5 buddy gets back here and then --

6 UNIDENTIFIED SPEAKER: We're still checking.
7 I got no major.

8 UNIDENTIFIED SPEAKER: I don't see anybody
9 here.

10 UNIDENTIFIED SPEAKER: Right. (Inaudible).

11 UNIDENTIFIED SPEAKER: Aziz (phonetic), I need
12 a critical incident log.

13 UNIDENTIFIED SPEAKER: Okay.

14 UNIDENTIFIED SPEAKER: OIS occurred right here
15 at the entrance.

16 UNIDENTIFIED SPEAKER: Okay.

17 UNIDENTIFIED SPEAKER: I don't know exactly
18 where, but it was 2B and Jimmy, myself and McGuire
19 (phonetic).

20 UNIDENTIFIED SPEAKER: What do you need?

21 UNIDENTIFIED SPEAKER: Back here.

22 UNIDENTIFIED SPEAKER: Okay.

23 UNIDENTIFIED SPEAKER: Yeah, it occurred at
24 the entrance to 22250. I'm trying to find the -- our
25 exact location.

1 UNIDENTIFIED SPEAKER: You're on the street.

2 UNIDENTIFIED SPEAKER: Where were you guys at
3 Serg?

4 UNIDENTIFIED SPEAKER: Yeah, Tom, I'm looking
5 at a mailbox right here. It's got 5-0. There might be
6 two on this property, though, so it might be both.

7 UNIDENTIFIED SPEAKER: That's -- it's 2240.
8 It's B20.

9 UNIDENTIFIED SPEAKER: No, I think you're
10 right, actually. There's mailboxes next to each other.
11 You got 4-0 and 5-0. So --

12 UNIDENTIFIED SPEAKER: So were you right here?

13 UNIDENTIFIED SPEAKER: I was. See, it's going
14 to be somewhere right here.

15 UNIDENTIFIED SPEAKER: Okay. I got you.

16 UNIDENTIFIED SPEAKER: Sanchez-8 and Meissen
17 (phonetic), who would check all traffic needs to be
18 stopped along, I believe this is River.

19 We got it, Jimbo (phonetic). Hey, did you
20 make contact with those residents or do you need to
21 have patrol do that?

22 UNIDENTIFIED SPEAKER: I'll do this.

23 UNIDENTIFIED SPEAKER: Can you go to the
24 safety suite, please? Because I'm a shooter.

25 UNIDENTIFIED SPEAKER: Yeah.

1 UNIDENTIFIED SPEAKER: Hey, where you're at?

2 UNIDENTIFIED SPEAKER: John (phonetic), right
3 here.

4 UNIDENTIFIED SPEAKER: Okay. Good. Thank
5 you.

6 UNIDENTIFIED SPEAKER: Right here, right here.

7 UNIDENTIFIED SPEAKER: Can you guys help do
8 make contact with these residents, please?

9 UNIDENTIFIED SPEAKER: Yes, sir.

10 UNIDENTIFIED SPEAKER: Hey, our line of fire,
11 Dave, just so you know, is straight down where he's at,
12 that was our line of fire.

13 UNIDENTIFIED SPEAKER: We'll check the house
14 to the left. We got it. Any others you have any
15 concern about?

16 UNIDENTIFIED SPEAKER: Right here, where Aziz
17 is, that's our position right there.

18 UNIDENTIFIED SPEAKER: Okay. Go.

19 UNIDENTIFIED SPEAKER: So, Nate (phonetic),
20 make sure everybody's blocked out on that thing,
21 including AMR. Aziz, can you hold this for me?

22 MS. AZIZ: I got you.

23 UNIDENTIFIED SPEAKER: Hey, just somebody
24 confirming that the K-9's en route to a hospital.
25 Okay. Jay, we're Code 4 over here. If we can -- is

1 there -- there's obviously two crime scenes, so we need
2 security over there and we need security over here.

3 UNIDENTIFIED SPEAKER: 22240.

4 UNIDENTIFIED SPEAKER: So, right now, you have
5 myself, Walsh, H-u-b-a-c-h-e-k.

6 UNIDENTIFIED SPEAKER: C-h-e-k?

7 UNIDENTIFIED SPEAKER: Yeah.

8 UNIDENTIFIED SPEAKER: 2960.

9 UNIDENTIFIED SPEAKER: Walsh and McGuire.

10 Those were the first -- those were -- Jose?

11 MR. JOSE: What's up, brother?

12 UNIDENTIFIED SPEAKER: Our position was right
13 here, so I just need somebody to hold that.

14 MR. JOSE: Copy that.

15 UNIDENTIFIED SPEAKER: I don't care who.

16 She's almost done, so if we can get her relieved, if
17 you can get with Meissen or somebody.

18 UNIDENTIFIED SPEAKER: Okay. Copy.

19 UNIDENTIFIED SPEAKER: I just want her to pat
20 the female suspect down just to make sure she doesn't
21 have any --

22 UNIDENTIFIED SPEAKER: Okay.

23 UNIDENTIFIED SPEAKER: Can you hold that
24 position for me, please?

25 UNIDENTIFIED SPEAKER: I got you.

1 UNIDENTIFIED SPEAKER: Jose, I'll be right
2 back.

3 MR. JOSE: Yeah, I got you.

4 UNIDENTIFIED SPEAKER: What do you need, sir?

5 UNIDENTIFIED SPEAKER: All right, dude. I got
6 Aziz holding our position from the shooting, but she's
7 almost done, so if we can get her relieved, that'd be
8 great.

9 UNIDENTIFIED SPEAKER: Okay.

10 UNIDENTIFIED SPEAKER: Obviously, we have a
11 crime scene over here.

12 UNIDENTIFIED SPEAKER: Okay.

13 UNIDENTIFIED SPEAKER: And then our OIS scene
14 is here. He's down in front of the ambulance and he's
15 just been pronounced.

16 UNIDENTIFIED SPEAKER: Okay.

17 UNIDENTIFIED SPEAKER: So --

18 UNIDENTIFIED SPEAKER: Where's the two
19 shooters at?

20 UNIDENTIFIED SPEAKER: Me and McGuire.

21 UNIDENTIFIED SPEAKER: So, McGuire's still
22 down here.

23 UNIDENTIFIED SPEAKER: Okay.

24 UNIDENTIFIED SPEAKER: We'll figure it out,
25 but --

1 UNIDENTIFIED SPEAKER: Okay.

2 UNIDENTIFIED SPEAKER: I'm going to go get my
3 phone, so. Sanchez is doing a critical incident log
4 here.

5 UNIDENTIFIED SPEAKER: Okay.

6 UNIDENTIFIED SPEAKER: We'll probably need a
7 separate one over there.

8 UNIDENTIFIED SPEAKER: Okay. And is that
9 scene being maintained right now?

10 UNIDENTIFIED SPEAKER: By K-9 Cisneros, I
11 believe.

12 UNIDENTIFIED SPEAKER: Okay. All right.
13 We'll work on that and --

14 UNIDENTIFIED SPEAKER: And she's in here.

15 UNIDENTIFIED SPEAKER: Okay.

16 UNIDENTIFIED SPEAKER: He has -- the gun is
17 obviously over there and everything, so.

18 UNIDENTIFIED SPEAKER: Okay.

19 UNIDENTIFIED SPEAKER: Just so you know, our
20 positioning is off this roadway, but I would like to
21 keep it aside for medical.

22 UNIDENTIFIED SPEAKER: Okay.

23 UNIDENTIFIED SPEAKER: So --

24 UNIDENTIFIED SPEAKER: All right.

25 UNIDENTIFIED SPEAKER: I'm going to get my

1 phone.

2 UNIDENTIFIED SPEAKER: All right.

3 UNIDENTIFIED SPEAKER: McFadden Hoop

4 (phonetic).

5 UNIDENTIFIED SPEAKER: You're on?

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1 CERTIFICATE OF TRANSCRIBER

2 I, JIMMY JACOB, do hereby certify that this
3 transcript was prepared from audio to the best of my
4 ability.

5
6 I am neither counsel for, related to, nor
7 employed by any of the parties to this action, nor
8 financially or otherwise interested in the outcome of
9 this action.

10

11

12 March 20, 2025

13 DATE

JIMMY JACOB

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EXHIBIT 8

EXHIBIT 8



EXHIBIT 9

EXHIBIT 9

BWC AUDIOS

AUDIO: 346. BWC. SHOOTING. LLAMAS, J. BY LT. WALSH
041423 [COR 000523- CONFIDENTIAL]

IN THE MATTER OF:
LLAMAS V. COUNTY OF RIVERSIDE, ET AL.

RB# 1298225

1 [P R O C E E D I N G S:]

2 UNIDENTIFIED SPEAKER: The police vehicle.

3 UNIDENTIFIED SPEAKER: (Inaudible).

4 UNIDENTIFIED SPEAKER: Dispatch, does the RP
5 have visual on the suspect?

6 MR. WALSH: Star-9, ES-7. Hey, we got shots
7 fired. Suspect's near the boat. He likely killed the
8 dog. We need you overhead.

9 UNIDENTIFIED SPEAKER: Hey, I'm with you.

10 MR. WALSH: Hey, we need to move up. We need
11 to move up.

12 UNIDENTIFIED SPEAKER: Let's go.

13 UNIDENTIFIED SPEAKER: Move. Come back to
14 where we were at. Where we just cleared. Bring
15 everyone back here. We'll be pulling out from there.

16 UNIDENTIFIED SPEAKER: We need to see him on
17 the street so I can see if he can take off running.

18 MR. WALSH: Hey, you got a drone that can go
19 10-8 right now?

20 UNIDENTIFIED SPEAKER: Jimmy's (phonetic) or -
21 -

22 UNIDENTIFIED SPEAKER: Yeah, yeah. Mini.
23 Hey, Walt (phonetic).

24 MR. WALSH: I need a drone 10-8.

25 UNIDENTIFIED SPEAKER: I need your phone.

1 MR. WALSH: And everybody just hold their
2 containment positions. Again --

3 UNIDENTIFIED SPEAKER: Get Walt's phone, Zack
4 (phonetic).

5 MR. WALSH: We think the suspect's at our
6 12:00 o'clock, which would be pushing more or less --

7 UNIDENTIFIED SPEAKER: We need your phone.

8 MR. WALSH: -- eastbound from us.

9 UNIDENTIFIED SPEAKER: Mike (phonetic), you
10 can trade with Walt. Okay.

11 UNIDENTIFIED SPEAKER: He's got it.

12 MR. WALSH: Hey, Jay (phonetic), where's Day
13 at?

14 JAY: Day. Hey, physically check on Day.
15 Make sure you take a round. Physically check him.

16 MR. WALSH: Knock (phonetic), you have a
17 visual of a medical?

18 UNIDENTIFIED SPEAKER: Password, Walt.

19 WALT: My password?

20 UNIDENTIFIED SPEAKER: Yeah.

21 UNIDENTIFIED SPEAKER: All right. This is
22 where he's at.

23 UNIDENTIFIED SPEAKER: (Cross talk).

24 UNIDENTIFIED SPEAKER: Turn your lights off.

25 UNIDENTIFIED SPEAKER: He's in the right here.

1 In the right, right in there.

2 MR. WALSH: Okay.

3 UNIDENTIFIED SPEAKER: DAY: Hey, Walt, you
4 see my laser?

5 MR. WALSH: Hey, Day.

6 UNIDENTIFIED SPEAKER: He's in there.

7 MR. WALSH: I'm going to try to call your dog
8 back.

9 DAY: I already did.

10 MR. WALSH: You did? Okay.

11 UNIDENTIFIED SPEAKER: He's in the riverbed.

12 MR. WALSH: Okay. Which way is he moving?

13 UNIDENTIFIED SPEAKER: Where's the airship?

14 UNIDENTIFIED SPEAKER: Hey. Are we sure he's
15 not on our flank?

16 UNIDENTIFIED SPEAKER: (Cross talk).

17 MR. WALSH: Yeah. Hey, Donnie (phonetic),
18 confirm you're tracking that.

19 DONNIE: Still on a drone. Star-9's up.

20 DAY: Could I go rescue my dog?

21 MR. WALSH: Is he walking out? No, no, no.

22 UNIDENTIFIED SPEAKER: Eastbound, he's walking
23 away, back towards the house.

24 UNIDENTIFIED SPEAKER: Running a (inaudible)
25 that position?

1 UNIDENTIFIED SPEAKER: Are you able to take a
2 couple of bodies and push out to where Donnie and Knock
3 are at? We need more bodies over there.

4 UNIDENTIFIED SPEAKER: Yeah.

5 MR. WALSH: All right. Star-9's overhead.
6 Let us know if you find him, Star-9. Give us an exact
7 20.

8 UNIDENTIFIED SPEAKER: He's so broken.

9 MR. WALSH: Hey, just advise if he's --
10 where's he at in relation to our Bearcat?

11 UNIDENTIFIED SPEAKER: Screwed.

12 UNIDENTIFIED SPEAKER: One to the left, Dave
13 (phonetic).

14 MR. WALSH: 10-4. And he's with -- there's
15 two of them with him. Correct? The suspect and a
16 female? Or both of them?

17 UNIDENTIFIED SPEAKER: Right up the nose of
18 the Bearcat in that bush.

19 MR. WALSH: He's off the nose of the Bearcat
20 into that tree in front of us. And we're not sure
21 where he is.

22 UNIDENTIFIED SPEAKER: You want a nine-banger
23 (phonetic)?

24 MR. WALSH: Not yet. I want to wait till
25 Santa Steven's in position.

1 UNIDENTIFIED SPEAKER: Hey, Ralph (phonetic),
2 can you prep my unit so I can get the fuck out of here?

3 MR. WALSH: Star-9, ES-7, I just want to
4 confirm, you do have visual? He is hunkered down and
5 not moving towards us or away from us.

6 UNIDENTIFIED SPEAKER: Hey, Jimmy.

7 MR. WALSH: Hey, give him some announcements.
8 Give him some announcements. I'm going to need some of
9 you guys to handcuff. Make sure he's got gloves.
10 We're going to give him some announcements and direct
11 him toward our action. You know if it's a male or a
12 female coming out.

13 UNIDENTIFIED SPEAKER: (Inaudible).

14 MR. WALSH: I don't see the rod cropping, but
15 we've got elevation issues down here as far as foliage
16 is concerned. We'll put an apprehension team. We're
17 just tightening up our containment. Hey, stop.

18 UNIDENTIFIED SPEAKER: In the riverbed, come
19 out with your hands up.

20 UNIDENTIFIED SPEAKER: What do you want?

21 MR. WALSH: Tell him to cease the
22 announcement.

23 UNIDENTIFIED SPEAKER: Hey, kill the
24 announcements. Hold the announcements. Can you put a
25 spotlight on him?

1 MR. WALSH: Affirm. And can you put white
2 light on him? Ideally, we get him to stop moving and
3 we'll work on the apprehension if we can get him to
4 stop moving.

5 UNIDENTIFIED SPEAKER: Do you want aerial
6 platform?

7 MR. WALSH: I don't know if he has it. I
8 don't know if we can arrange it on him. This is the
9 only bird for the night right here.

10 UNIDENTIFIED SPEAKER: I can jump up there if
11 they land real quick, but we're going to lose visual.

12 MR. WALSH: That's the problem.

13 UNIDENTIFIED SPEAKER: But if they start
14 cracking, I mean, we can put him down.

15 MR. WALSH: Hey, Tom (phonetic), you got a
16 status update?

17 UNIDENTIFIED SPEAKER: This is Riverside
18 Sheriff's Department. We need both the male and the
19 female to come out of the tree line. We can see you.
20 We know where you're at. You need to come out with
21 your hands up. I repeat, you need to come out with
22 your hands up. If you do not come out, we'll release
23 another dog. A dog may bite you. You need to come out
24 and make yourself known to the deputies. Drop anything
25 that you have in your hands. Put your hands up and

1 come out. We have the area surrounded.

2 MR. WALSH: Hey, can we move our Bearcat up
3 closer?

4 UNIDENTIFIED SPEAKER: Are you staying or
5 leaving?

6 UNIDENTIFIED SPEAKER: Got my dog.

7 UNIDENTIFIED SPEAKER: Were he hit?

8 UNIDENTIFIED SPEAKER: Yeah, he's hit. And
9 I'd like to meet my dog. This is crazy.

10 UNIDENTIFIED SPEAKER: Is he talking about
11 this rock cropping?

12 MR. WALSH: I'm not sure. I was about to ask
13 him about it. Okay. Star 9, we're going to attempt to
14 move our Bearcat a little bit closer. I'm going to
15 give you a laser. Tell me if that's good. If you can
16 see it. Right there. See this spot right here?

17 UNIDENTIFIED SPEAKER: Okay. Ready?

18 MR. WALSH: No, no, no, not yet. We need to
19 deploy some units over the river. Let's go.

20 UNIDENTIFIED SPEAKER: 584, can you guys
21 (inaudible)?

22 UNIDENTIFIED SPEAKER: I copy. Just you might
23 still have to key up on that channel as well for all
24 advice.

25 UNIDENTIFIED SPEAKER: I just want to state,

1 have units located that vehicle?

2 UNIDENTIFIED SPEAKER: (Inaudible) what's the
3 advice if the victim is located?

4 UNIDENTIFIED SPEAKER: (Inaudible).

5 UNIDENTIFIED SPEAKER: Yeah.

6 UNIDENTIFIED SPEAKER: (Inaudible) going to be
7 in 18535 --

8 UNIDENTIFIED SPEAKER: I copy. And is anybody
9 out with the victim? 186 is asking.

10 UNIDENTIFIED SPEAKER: 319, do you have any
11 contact with the victim?

12 UNIDENTIFIED SPEAKER: (Inaudible) contact
13 with the victim.

14 UNIDENTIFIED SPEAKER: 347128.

15 UNIDENTIFIED SPEAKER: Copy that.

16 UNIDENTIFIED SPEAKER: Is it (Inaudible)
17 break?

18 UNIDENTIFIED SPEAKER: (Inaudible) 2927.

19 UNIDENTIFIED SPEAKER: That from a hilltop or
20 channel lift? Copy that, 2927, channel lift.
21 (Inaudible).

22 MR. WALSH: Hey, everybody get some lethal.
23 I'm going to take -- all right, copy that. We'll start
24 some announcements over here. Hey, you see that gun
25 move? He gets it.

1 UNIDENTIFIED SPEAKER: Fuck, we're going to
2 have a crossfire.

3 MR. WALSH: Yeah. Yeah.

4 UNIDENTIFIED SPEAKER: He's off gun. Call it,
5 LT.

6 MR. WALSH: Call it -- hey, they're off gun.

7 UNIDENTIFIED SPEAKER: Who is?

8 MR. WALSH: Drop the gun. Hey, if he budges,
9 you tack him. Drop the weapon immediately. Get on the
10 ground. Drop the gun. Get on the ground. Don't let
11 him walk towards that. Drop the gun. Get on the
12 ground. Drop the gun. We got to move up on a unit.
13 We've got to move up on a unit.

14 Hey, where is he? We've got to keep moving up
15 on him. I got cover. I got cover. Shit.

16 UNIDENTIFIED SPEAKER: Where, where, where?

17 MR. WALSH: There, there, right there.

18 UNIDENTIFIED SPEAKER: Hold, hold, hold.
19 Don't move your hands.

20 MR. WALSH: We got shots fired and he is down.
21 Hey, we got to move on him (cross talk).

22 UNIDENTIFIED SPEAKER: Guns in his hand.

23 MR. WALSH: We don't want him to go to that
24 house. Jimmy.

25 JIMMY: Guns in his hand.

1 MR. WALSH: I know, I know.

2 JIMMY: He's pointing at us.

3 MR. WALSH: I know. Let's go, let's go.

4 We've got to move on him because that house could be
5 occupied.

6 JIMMY: Let's go.

7 MR. WALSH: We're advancing on him because
8 that house could be occupied. Taking him wide over
9 here.

10 UNIDENTIFIED SPEAKER: Do not move.

11 MR. WALSH: Just cover, just cover, just
12 cover. I'll handcuff. Stand by.

13 UNIDENTIFIED SPEAKER: Good backdrop for that
14 house. Glove up. Stand by. I'm going to glove up.

15 UNIDENTIFIED SPEAKER: (Cross talk).

16 UNIDENTIFIED SPEAKER: Just hold what you got.

17 MR. WALSH: We're good, fellas. We're good.

18 UNIDENTIFIED SPEAKER: Hang on, Walsh. I'm
19 with you. Stand by, Walsh. I can help you. Got you,
20 sir.

21 MR. WALSH: Okay. I'm going to roll him to
22 this way.

23 UNIDENTIFIED SPEAKER: Yes. Good to go.

24 MR. WALSH: Yeah, roll.

25 UNIDENTIFIED SPEAKER: Here we go.

1 MR. WALSH: We're good. We're good. We're
2 good. We're good. We're good. All right. He's
3 cuffed.

4 UNIDENTIFIED SPEAKER: Dispatch, we need
5 medical up route ASAP.

6 MR. WALSH: Just check him for weapons.

7 UNIDENTIFIED SPEAKER: Yes. I'm looking.

8 MR. WALSH: Check for weapons.

9 UNIDENTIFIED SPEAKER: Yeah. I'll start
10 medical in a second. Hey, I'm moving the gun.

11 MR. WALSH: Yes.

12 UNIDENTIFIED SPEAKER: Roll him over, LT.

13 UNIDENTIFIED SPEAKER: All right. He got
14 attacked in the face. We got an agonal.

15 UNIDENTIFIED SPEAKER: All right.

16 UNIDENTIFIED SPEAKER: Separate his feet here.

17 UNIDENTIFIED SPEAKER: All right.

18 UNIDENTIFIED SPEAKER: All right. We're good.

19 You hit? You good?

20 MR. WALSH: No, I'm good. You good?

21 UNIDENTIFIED SPEAKER: I'm good.

22 UNIDENTIFIED SPEAKER: Hey, Walsh, did you
23 shoot?

24 MR. WALSH: I did not fire. Hey, someone's
25 gloves are behind me.

1 UNIDENTIFIED SPEAKER: LT, I'm going to check
2 this backdrop and make sure no one's back there.

3 MR. WALSH: Okay.

4 UNIDENTIFIED SPEAKER: Jimmy. Did he -- are
5 other EST guys around? If not, I'm going to go get my
6 phone and send them.

7 MR. WALSH: Send what?

8 UNIDENTIFIED SPEAKER: More units here. EST
9 units.

10 MR. WALSH: Yeah, I already said that on the
11 air. They're dispatching more, if that's what you're
12 asking.

13 UNIDENTIFIED SPEAKER: Okay. I'm going to go
14 to the front for medical. You go forward.

15 MR. WALSH: Hey, I need the --

16 UNIDENTIFIED SPEAKER: What do you need?

17 MR. WALSH: Bring my unit up here.

18 UNIDENTIFIED SPEAKER: Okay.

19 MR. WALSH: I can start triaging this guy.

20 UNIDENTIFIED SPEAKER: Yes, I got you.

21 MR. WALSH: I got a blowout kit in the car.

22 Don't worry about your blowout kit. You keep yours

23 secure.

24 UNIDENTIFIED SPEAKER: Okay. So, safety
25 sweep. That house is good. Both guys are accounted

1 for. There's a house up on that hill. I didn't go
2 that way at all, and there's a house pretty deep that
3 way.

4 MR. WALSH: You got it, buddy.

5 UNIDENTIFIED SPEAKER: Dude.

6 UNIDENTIFIED SPEAKER: He pointed out with
7 that gun right at us.

8 MR. WALSH: Yeah.

9 UNIDENTIFIED SPEAKER: Again. I'll do the
10 medical if you want.

11 MR. WALSH: I got no major bleeders. I got
12 impacts, but --

13 UNIDENTIFIED SPEAKER: Here, I got scissors.

14 UNIDENTIFIED SPEAKER: Jimmy, just get your
15 handcuff key.

16 JIMMY: Yes.

17 MR. WALSH: I want to take his handcuffs off.

18 JIMMY: Let me double-glove, because I ripped.

19 MR. WALSH: Where's the firearm? Hey, Hoop
20 (phonetic).

21 JIMMY: It's over to the left.

22 MR. WALSH: Do me a favor. Just take the
23 firearm and push it by the white fence.

24 HOOP: Do you need a picture or anything, or
25 are we good?

1 MR. WALSH: No, I'm rolling camera. I just
2 need you to take the cuffs off when you get a cuff key.

3 HOOP: Yes, got you, sir.

4 UNIDENTIFIED SPEAKER: What do you need,
5 Walsh?

6 MR. WALSH: There's a blowout kit on my
7 passenger seat.

8 UNIDENTIFIED SPEAKER: Hey, Hoop. I lost my
9 cuff key. Do you have it? You got a cuff key on you?
10 You got a cuff key, Hoopie? Cuff key, cuff key, cuff
11 key.

12 HOOP: I don't have one.

13 UNIDENTIFIED SPEAKER: Yeah, mine fell out.

14 MR. WALSH: Hey, just start cutting it,
15 Sheriff.

16 UNIDENTIFIED SPEAKER: Yes. I'm under this
17 guy. All right. Slow down, slow down.

18 MR. WALSH: You good? Are you good?

19 UNIDENTIFIED SPEAKER: Yeah, I'm good.

20 UNIDENTIFIED SPEAKER: You good?

21 MR. WALSH: I'm going to roll him on his back.

22 UNIDENTIFIED SPEAKER: Good to go, sir. We
23 got one here, but --

24 MR. WALSH: I'm not worried about that one.
25 I'm looking for an impact in the chest.

1 UNIDENTIFIED SPEAKER: Okay.

2 MR. WALSH: It's got nothing here.

3 UNIDENTIFIED SPEAKER: I think it's a
4 headshot.

5 UNIDENTIFIED SPEAKER: Nothing here. I'm
6 going to cut them pants off.

7 MR. WALSH: Yeah. I got nothing on the back.

8 UNIDENTIFIED SPEAKER: Yeah, it's the head and
9 then you've got one on the back.

10 MR. WALSH: Looking for major bleeders. He
11 got hit in the head, I believe, and some legs.

12 UNIDENTIFIED SPEAKER: Do you know how many
13 times?

14 MR. WALSH: We're just checking for
15 hemorrhaging.

16 UNIDENTIFIED SPEAKER: No idea.

17 MR. WALSH: We're just checking for major
18 hemorrhaging. And we got nothing.

19 UNIDENTIFIED SPEAKER: Okay.

20 UNIDENTIFIED SPEAKER: Done that, huh. Here,
21 I'm just going to pull this shit off, LT. All right.
22 Here we go.

23 MR. WALSH: You guys want to take over?

24 UNIDENTIFIED SPEAKER: Yeah.

25 MR. WALSH: Okay.

1 UNIDENTIFIED SPEAKER: I'm going to wait till

2 my buddy gets back here and then --

3 MR. WALSH: We're still checking for -- I got

4 no major.

5 UNIDENTIFIED SPEAKER: I don't see any

6 ///injury.

7 MR. WALSH: All right.

8 UNIDENTIFIED SPEAKER: He's got one in the

9 buttocks.

10 MR. WALSH: We don't have any respirations

11 either, do we?

12 UNIDENTIFIED SPEAKER: No.

13 MR. WALSH: All right. We'll start some CPR

14 then.

15 UNIDENTIFIED SPEAKER: Here, I got him. LT, I

16 got him.

17 MR. WALSH: You take over when I'm tired.

18 UNIDENTIFIED SPEAKER: Okay. Right in that

19 nostril.

20 MR. WALSH: Tell me when you guys are ready.

21 UNIDENTIFIED SPEAKER: If you guys want to

22 switch, let me know.

23 UNIDENTIFIED SPEAKER: Entry wound's right by

24 that nostril. You can see.

25 UNIDENTIFIED SPEAKER: Nostril? Yeah, I see

1 it a little bit.

2 UNIDENTIFIED SPEAKER: Yeah, you can see it.

3 UNIDENTIFIED SPEAKER: Other than the nostril,
4 where else did you guys (cross talk)?

5 UNIDENTIFIED SPEAKER: Buttocks. Left or
6 right, I'm not sure, but it's right at the top of the
7 glute.

8 UNIDENTIFIED SPEAKER: Okay.

9 MR. WALSH: Want me to keep going?

10 UNIDENTIFIED SPEAKER: Yes, sir.

11 UNIDENTIFIED SPEAKER: LT, I can switch you.

12 MR. WALSH: I'm good. Hey, Jimmy, do me a
13 favor.

14 JIMMY: What do you need?

15 MR. WALSH: Speak to those neighbors behind
16 us, are they home?

17 JIMMY: Yes.

18 MR. WALSH: Find out their address.

19 JIMMY: Okay.

20 MR. WALSH: Thank you, sir.

21 UNIDENTIFIED SPEAKER: LT, watch your hands
22 for a second. Go for it.

23 UNIDENTIFIED SPEAKER: Got that off there.

24 All right. Go ahead and stop for a second. Okay.

25 Hold on. He's -- he's not breathing on his own, right?

1 No signs of life, right? He's not breathing on his
2 own?

3 UNIDENTIFIED SPEAKER: What is that?

4 UNIDENTIFIED SPEAKER: Affirm, I made contact
5 with our residents on the left.

6 UNIDENTIFIED SPEAKER: No (cross talk)
7 response.

8 UNIDENTIFIED SPEAKER: They're good,
9 everyone's accounted for. There's a couple trailers
10 and houses deep (cross talk).

11 MR. WALSH: Want me to keep going? You're
12 calling it?

13 UNIDENTIFIED SPEAKER: Yes, sir. You want me
14 to put that out or you got it?

15 MR. WALSH: I got it. ES-7, subject's 10-7.
16 Your time, please.

17 UNIDENTIFIED SPEAKER: We've got no pupilar
18 response. He's not spontaneously breathing.
19 (Inaudible) trauma. (Inaudible). You want the safety
20 statement or I guess Mac (phonetic) needs to do it,
21 huh?

22 MR. WALSH: I don't need to do it. I saw it.

23 UNIDENTIFIED SPEAKER: Okay, cool. And guns
24 accounted for, LT?

25 MR. WALSH: Guns accounted for.

1 UNIDENTIFIED SPEAKER: Okay. Anything past
2 these rocks, so everything went into here. That
3 trailer, this whole property right here is accounted
4 for. I don't know if there's transients or what's up
5 there, but that needs a sweep.

6 UNIDENTIFIED SPEAKER: Okay.

7 MR. WALSH: Probably -- Pat (phonetic),
8 probably go down that driveway and just start door-
9 knocking what you can.

10 PAT: Sounds good, sir.

11 JIMBO: I can help Pat if you want.

12 MR. WALSH: No, you're good, Jimbo (phonetic).
13 If you guys are going to have to leave this for a
14 moment, it's okay.

15 UNIDENTIFIED SPEAKER: Yes, sir.

16 MR. WALSH: Dispatch, ES-7. What is this
17 channel patched with? Okay. Copy. And are we patched
18 with any primary channels? Okay. We're at 10-34, and
19 we got resources on scene that are doing door-knocks
20 and checking out for possible impacts. Mushinskie, any
21 addresses you identify that you door-knock, just voice
22 them to dispatch so they can log them.

23 Okay. Copy. We were going to rally some
24 additional resources to ensure that all residents were
25 Code 4 that were downrange. But we (inaudible), so

1 we're good.

2 UNIDENTIFIED SPEAKER: That's -- LT.

3 MR. WALSH: No, that's mine.

4 UNIDENTIFIED SPEAKER: Those are my scissors,
5 but I'm just going to leave them.

6 MR. WALSH: Okay. 10-4.

7 UNIDENTIFIED SPEAKER: Am I good to throw this
8 in his car?

9 MR. WALSH: That's mine, actually.

10 UNIDENTIFIED SPEAKER: Oh, you (cross talk).

11 MR. WALSH: (Cross talk) just going to leave
12 it there for now.

13 UNIDENTIFIED SPEAKER: Okay.

14 MR. WALSH: If you need to just stow your
15 rifle, Jimmy, you can put it in my car.

16 JIMMY: Can I put it in my car, LT?

17 MR. WALSH: What's that?

18 JIMMY: My car is pretty far back. Can I put
19 in there?

20 MR. WALSH: Yeah, just leave your car where
21 it's at, though, okay?

22 JIMMY: Okay. Yes.

23 MR. WALSH: Dispatch, ES-7. I just want to
24 confirm that you've made notifications or notifications
25 or maybe 174 can advise to station -- para station

1 admin. Okay. Copy. And Dispatch, I don't know if
2 you've contacted CHU. If not, I can 21 them. Okay.
3 Copy.

4 Be cool. Are you leading up the freezing the
5 various scenes, the possible scenes? I can give
6 McFadden, after I get some info from you guys, I'll
7 just give Mac whatever's needed on that public safety.
8 That was 97. I believe we only have one DIS scene.
9 It's right here at the target. And the suspect did
10 engage the canine. I don't want to assure that
11 property is frozen and clear for investigators.

12 Cisneros, which scene are you on? All right,
13 280, if you can hold and just freeze that. And then I
14 believe, Cisneros, you're actually at the DIS scene?

15 MR. CISNEROS: Yeah, I do, but just not right
16 this second.

17 MR. WALSH: Do I have anybody at the gate of
18 the property where the DIS occurred?

19 UNIDENTIFIED SPEAKER: Hey, Walsh, there's a -
20 - GTF's (phonetic) up there.

21 MR. WALSH: Okay. Copy that.

22 UNIDENTIFIED SPEAKER: GTF's up there holding
23 the scene.

24 MR. WALSH: Okay. I don't think so. I think
25 since we're code 4 and we're just doing door-knocks, I

1 think you guys can go 10-8. 10-4, you guys are 10-19.

2 I appreciate the assistance and the quick response.

3 Thank you. Okay.

4 UNIDENTIFIED SPEAKER: The house up top and
5 then there's a trailer parked straight back.

6 MR. WALSH: Jimmy, when you spoke -- when you
7 spoke to them, did you get their block out?

8 JIMMY: I didn't and I'll go do it though.

9 MR. WALSH: No.

10 JIMMY: Okay.

11 MR. WALSH: You're a shooter, so, Mush, do me
12 a favor. Get their block out if it's there.

13 MR. MUSHINKSKIE: Yes, sir. We talked to
14 those guys.

15 MR. WALSH: We need their block out.

16 MR. MUSHINKSKIE: Okay. Good to go.

17 MR. WALSH: If you guys could do. I don't
18 care who does it.

19 MR. MUSHINKSKIE: I'm pen-less, paper-less.

20 MR. WALSH: We're kind of stuck.

21 UNIDENTIFIED SPEAKER: I just need -- I need
22 paper.

23 UNIDENTIFIED SPEAKER: You have paper?

24 MR. WALSH: Here, I'll give you something.
25 There you go. You need a pen?

1 UNIDENTIFIED SPEAKER: Yeah.

2 UNIDENTIFIED SPEAKER: Pat, you need paper?

3 PAT: Got it.

4 MR. WALSH: All right. Hey, your unit --

5 UNIDENTIFIED SPEAKER: We're going to have

6 Dave with Jimmy.

7 MR. WALSH: Yeah.

8 UNIDENTIFIED SPEAKER: I'll link up with Hub
9 for now unless there's someone who'll be watching that.

10 MR. WALSH: Approximate ground count?

11 UNIDENTIFIED SPEAKER: Four maybe I'm
12 thinking.

13 MR. WALSH: I want to say some 8 to 10. Okay.
14 I think Hub's about the same. I know the D.O.T. -- how
15 many bad guys was the guy -- I got all that stuff.

16 UNIDENTIFIED SPEAKER: Okay.

17 MR. WALSH: What about the firearm that Hub
18 put is right here? Okay. Missed that. Hey, do you
19 guys know the status of the dog?

20 UNIDENTIFIED SPEAKER: No. It was still alive
21 when Dave had him in his hand running back to the car.
22 But I don't know. He didn't look good though.

23 MR. WALSH: I'm going to go off camera.

24 UNIDENTIFIED SPEAKER: All right, sir.

25

1 CERTIFICATE OF TRANSCRIBER

2 I, JIMMY JACOB, do hereby certify that this
3 transcript was prepared from audio to the best of my
4 ability.

5
6 I am neither counsel for, related to, nor
7 employed by any of the parties to this action, nor
8 financially or otherwise interested in the outcome of
9 this action.

10

11

12 March 20, 2025

13 DATE

JIMMY JACOB

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EXHIBIT 10

EXHIBIT 10



EXHIBIT 11

EXHIBIT 11

BWC AUDIOS

AUDIO: 300. BWC. INITIAL CRIME SCENE OF SHOOTING RE K9
BY DEP. DAY 041423[COR 000477 - CONFIDENTIAL]

IN THE MATTER OF:

LLAMAS V. COUNTY OF RIVERSIDE, ET AL.

RB# 1298225

1 [P R O C E E D I N G S:]

2 UNIDENTIFIED SPEAKER: -- when he finds you,
3 he may bite you. Surrender now and the dog will not be
4 used.

5 Attention in the area: Johnny Llamas,
6 Riverside County Sheriff's Department K-9 team. We
7 know you're hiding. The area is surrounded. You need
8 to surrender now to the nearest deputy with your hands
9 up and nothing in your hands. If you do not surrender,
10 a police service dog will be used to find you. When he
11 finds you, he may bite you. Surrender now and the dog
12 will not be used.

13 Hi, Brian (phonetic).

14 BRIAN: Hey.

15 UNIDENTIFIED SPEAKER: Yo.

16 BRIAN: I'm trying to track with you guys on
17 that property because I haven't got -- I can go over
18 there?

19 UNIDENTIFIED SPEAKER: My recorder is on, just
20 so you know.

21 BRIAN: So is mine. Where exactly are you
22 guys? The trailers are all right here, right?

23 UNIDENTIFIED SPEAKER: I have no fucking clue,
24 dude. I'm on this main street, we're on the one side.

25 BRIAN: Okay.

1 UNIDENTIFIED SPEAKER: I went to the two side
2 and they -- and you can see their shoe impressions
3 going into this field.

4 BRIAN: Yeah, that's what I figured. Okay.

5 UNIDENTIFIED SPEAKER: And he's wearing bands.

6 BRIAN: Okay.

7 UNIDENTIFIED SPEAKER: Like a size 9.

8 BRIAN: Yeah. All right, brother.

9 UNIDENTIFIED SPEAKER: Attention in the area:
10 Johnny Llamas, it's the Riverside County Sheriff's
11 Department K-9 team. We know you're hiding. The area
12 is surrounded. You need to surrender now to the
13 nearest deputy with your hands up and nothing in your
14 hands. If you do not surrender, a police service dog
15 will be used to find you. When he finds you, he may
16 bite you. Surrender now and the dog will not be used.

17 Attention in the area: Johnny Llamas, it's
18 the Riverside County Sheriff's Department K-9 team. We
19 know you're hiding. You need to surrender now with
20 your hands up and nothing in your hands. If you do not
21 surrender, a police service dog will be used to find
22 you. When he finds you, he may bite you. Surrender
23 now and the dog will not be used.

24 Still. That's not them, dude. They're not
25 just going to sit there and watch. Do you see it?

1 There's three of them on quads. Is he in here, Ralph
2 (phonetic)?

3 RALPH: What's that?

4 UNIDENTIFIED SPEAKER: Do you think he's in
5 here?

6 RALPH: (Inaudible).

7 UNIDENTIFIED SPEAKER: What?

8 RALPH: He's out here somewhere because he
9 knows these hills because Ray and I and G have been
10 coming out looking for him late at night, like at 8:00,
11 9:00 o'clock at night. Because we know he stays off
12 Sean Richard (phonetic), where they lost him yesterday.
13 And Ray's been looking for a while. Got that info. He
14 runs that transit camp, so he's out here. He knows
15 this shit.

16 UNIDENTIFIED SPEAKER: Like the back of his
17 hand? And it's thick.

18 Attention in the area: Johnny Llamas, it's
19 the Riverside County Sheriff's Department K-9 team. We
20 know you're hiding. Surrender now to the nearest
21 deputy with your hands up and nothing in your hands.
22 If you do not surrender, a police service dog will be
23 used to find you. When he finds you, he may bite you.

24 Anybody hiding in the shrubbery, you need to
25 surrender now. We will be using a police service dog.

1 When he finds you, he may bite you. Anybody hiding,
2 you need to surrender now to the nearest deputy with
3 your hands up and nothing in your hands. A police
4 service dog will be used. He will find you and he may
5 bite you.

6 Johnny Llamas, we know you're hiding. You
7 need to surrender now to the nearest deputy. If you do
8 not surrender, a police service dog will be used to
9 find you. When he -- Johnny Llamas, we know you're
10 hiding. You need to surrender now to the nearest
11 deputy. If you do not surrender, a police service dog
12 will be used to find you. When he finds you, he may
13 bite you. Surrender now and the dog will not be used.

14 Shut up.

15 Attention in the area: It's the Riverside
16 County Sheriff's Department K-9 team. Anybody hiding
17 in the area, you need to surrender now to the nearest
18 deputy with your hands up and nothing in your hands.

19 Johnny Llamas, we know you're hiding. The
20 area is surrounded. You need to surrender now to the
21 nearest deputy with your hands up and nothing in your
22 hands. If you do not surrender, a police service dog
23 will be used to find you. When he finds you, he may
24 bite -- he may bite you. If you surrender now, the dog
25 will not be used.

1 Anybody hiding in the area, it's the Riverside
2 County Sheriff's Department K-9 team. You need to
3 surrender now to the nearest deputy with your hands up
4 and nothing in your hands. If you do not surrender, a
5 police service dog will be used to find you. When he
6 finds you, he may bite you. If you surrender now, the
7 dog will not be used.

8 Johnny Llamas, it's the Riverside County
9 Sheriff's Department K-9 team. The area is surrounded.
10 We know you're hiding. Surrender now to the nearest
11 deputy. If you do not surrender, a police service dog
12 will be used to find you. When he finds you, he may
13 bite you. Surrender now and the dog will not be used.

14 Attention in the area: It's the Riverside
15 County Sheriff's Department K-9 team. Anybody hiding
16 in the area, you need to surrender now to the nearest
17 deputy. A police service dog will be used to search in
18 the area. He will find you and he may bite you.
19 Surrender now and the dog will not be used.

20 Johnny Llamas, we know you're hiding.
21 Surrender now to the nearest deputy with your hands up
22 and nothing in your hands. If you do not surrender, a
23 police service dog will be used to find you. When he
24 finds you, he may bite you. Surrender now and the dog
25 will not be used. When he finds you, he may bite you.

1 (Blank audio)

2 UNIDENTIFIED SPEAKER: (Inaudible).

3 UNIDENTIFIED SPEAKER: The trees. Goddammit,

4 he just killed my fucking dog. Son of a bitch.

5 Motherfucker. Fuck. Oh, motherfucker. Dude, he just

6 killed my dog. Fuck.

7 UNIDENTIFIED SPEAKER: (Inaudible) We have no

8 reports of weak returning fire, just a suspect, and the

9 dog is possibly down.

10 UNIDENTIFIED SPEAKER: The dog's 10-7.

11 UNIDENTIFIED SPEAKER: A-54-8 (phonetic), copy

12 that.

13 UNIDENTIFIED SPEAKER: Yep. I'm fucking

14 sorry, bitch, dude. Fuck, dude. He just killed my

15 fucking dog. He's in this bush, straight ahead.

16 UNIDENTIFIED SPEAKER: Where is Rudy

17 (phonetic)?

18 UNIDENTIFIED SPEAKER: Dead.

19 UNIDENTIFIED SPEAKER: Ah?

20 UNIDENTIFIED SPEAKER: Dead. He just killed

21 my dog, dude.

22 UNIDENTIFIED SPEAKER: You good?

23 UNIDENTIFIED SPEAKER: No, I'm not fucking

24 good. Well, we've got to complete the mission, dude.

25 Get your dog.

1 UNIDENTIFIED SPEAKER: I know, I know, I know.

2 Hey, I'm going to push up.

3 UNIDENTIFIED SPEAKER: I need to (inaudible)

4 see the suspect around 12 o'clock. He'll be pushing

5 more or less eastbound from us.

6 UNIDENTIFIED SPEAKER: (Inaudible).

7 UNIDENTIFIED SPEAKER: Goddammit, dude.

8 UNIDENTIFIED SPEAKER: (Inaudible).

9 UNIDENTIFIED SPEAKER: No.

10 UNIDENTIFIED SPEAKER: You're good?

11 UNIDENTIFIED SPEAKER: I didn't get hit, dude.

12 UNIDENTIFIED SPEAKER: No, he's good.

13 UNIDENTIFIED SPEAKER: All right. This is

14 where he's at. Devine (phonetic), he's right here.

15 Put your laser on. To the right of here? No, no,

16 right -- he's right in there.

17 UNIDENTIFIED SPEAKER: (Inaudible).

18 UNIDENTIFIED SPEAKER: Hey Donnie (phonetic),

19 we're trying to call your dog back.

20 UNIDENTIFIED SPEAKER: I already did.

21 UNIDENTIFIED SPEAKER: You did?

22 UNIDENTIFIED SPEAKER: Yeah.

23 UNIDENTIFIED SPEAKER: Okay.

24 UNIDENTIFIED SPEAKER: He's in the riverbed.

25 UNIDENTIFIED SPEAKER: Okay. Which way was he

1 moving?

2 UNIDENTIFIED SPEAKER: It is right in front of
3 us.

4 UNIDENTIFIED SPEAKER: Where's the airship?

5 UNIDENTIFIED SPEAKER: Hey, sorry,
6 (inaudible).

7 UNIDENTIFIED SPEAKER: Is Star 9 back in
8 route?

9 UNIDENTIFIED SPEAKER: Yeah.

10 UNIDENTIFIED SPEAKER: (Inaudible).

11 UNIDENTIFIED SPEAKER: Hey, Donnie, confirm
12 you're tracking that?

13 UNIDENTIFIED SPEAKER: Still on a drone. Star
14 9's up.

15 UNIDENTIFIED SPEAKER: Can I go rescue my dog?

16 UNIDENTIFIED SPEAKER: No, no.

17 UNIDENTIFIED SPEAKER: Fuck.

18 UNIDENTIFIED SPEAKER: No, he's down. He's
19 down. He's going that way, back towards the house.

20 UNIDENTIFIED SPEAKER: (Inaudible) that
21 position?

22 UNIDENTIFIED SPEAKER: Are you able to take a
23 couple bodies and push out to where Donnie and Knock
24 (phonetic) are at?

25 UNIDENTIFIED SPEAKER: Yeah.

1 UNIDENTIFIED SPEAKER: We need more bodies
2 over there.

3 UNIDENTIFIED SPEAKER: Yeah.

4 UNIDENTIFIED SPEAKER: Let's go.

5 UNIDENTIFIED SPEAKER: All right.

6 UNIDENTIFIED SPEAKER: Star 9's overhead. Let
7 us know if you find him, Star 9.

8 UNIDENTIFIED SPEAKER: Where is he at?

9 UNIDENTIFIED SPEAKER: Come to the left, Dave.

10 UNIDENTIFIED SPEAKER: There's two of them
11 with him, correct, the suspect?

12 UNIDENTIFIED SPEAKER: Right off the nose of
13 the bearcat in that bush.

14 UNIDENTIFIED SPEAKER: He's off the nose, he's
15 bearcat.

16 UNIDENTIFIED SPEAKER: Do you want to -- do
17 you want a 9-banger?

18 UNIDENTIFIED SPEAKER: I want to wait. Stan
19 and Steve are in position.

20 UNIDENTIFIED SPEAKER: Hey, Ralph, can you
21 prep my unit, so I can get the fuck out of here?

22 UNIDENTIFIED SPEAKER: Star 9, ES7, I just
23 want to confirm, you do have visual? He is hunkered
24 down and (inaudible).

25 UNIDENTIFIED SPEAKER: I'll need to send the

1 guys with the handcuffs.

2 UNIDENTIFIED SPEAKER: Make sure he's got
3 gloves.

4 UNIDENTIFIED SPEAKER: Is there gloves in
5 there?

6 UNIDENTIFIED SPEAKER: I don't know. I need
7 to call.

8 UNIDENTIFIED SPEAKER: Hey, do you know where
9 the nearest animal hospital is?

10 UNIDENTIFIED SPEAKER: I don't.

11 UNIDENTIFIED SPEAKER: Fuck.

12 UNIDENTIFIED SPEAKER: Where is Rudy?

13 UNIDENTIFIED SPEAKER: He's fucking 10-7,
14 right here, in this bush.

15 UNIDENTIFIED SPEAKER: Fuck.

16 UNIDENTIFIED SPEAKER: Yeah. Hey, where's the
17 nearest animal hospital?

18 UNIDENTIFIED SPEAKER: (Inaudible). I'll take
19 you there.

20 UNIDENTIFIED SPEAKER: I'll follow you?

21 UNIDENTIFIED SPEAKER: Yeah. I'll look for
22 one now, but that's probably the only one open 24x7.

23 UNIDENTIFIED SPEAKER: Can you call them?

24 UNIDENTIFIED SPEAKER: Yeah.

25 (Blank audio)

1 CERTIFICATE OF TRANSCRIBER

2 I, JIMMY JACOB, do hereby certify that this
3 transcript was prepared from audio to the best of my
4 ability.

5
6 I am neither counsel for, related to, nor
7 employed by any of the parties to this action, nor
8 financially or otherwise interested in the outcome of
9 this action.

10

11

12 March 20, 2025

13 DATE

JIMMY JACOB

14

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24

25

Magna

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A		County	E
ability 12:4 able 9:22 action 12:7,9 Ah 7:19 ahead 7:15 airship 9:4 AL 1:16 animal 11:9,17 Anybody 4:24 5:1,16 6:1,15 area 2:5,7 3:9,11,17 4:18 5:15,17,20 6:1,9,14 6:16,18 Attention 2:5 3:9,17 4:18 5:15 6:14 audio 1:9 7:1 11:25 12:3 AUDIOS 1:4 A-54-8 7:11	2:3,11 3:16,22 4:23 5:1,5,13,24,24 6:6 6:13,18,24,25 Blank 7:1 11:25 bodies 9:23 10:1 Brian 2:13,14,16,21,25 3:4 3:6,8 brother 3:8 bush 7:15 10:13 11:14 BWC 1:4,9	1:16 2:6 3:10,18 4:19 5:16 6:2,8,15 couple 9:23 CRIME 1:9	E 2:1,1 eastbound 8:5 employed 12:7 ES7 10:22 ET 1:16 exactly 2:21
	C	D	F
back 4:16 8:19 9:7,19 bands 3:5 bearcat 10:13,15 best 12:3 bitch 7:4,14 bite	C 2:1 call 8:19 11:7,23 camp 4:14 CERTIFICATE 12:1 certify 12:2 clue 2:23 Come 10:9 coming 4:10 complete 7:24 CONFIDENTIAL 1:10 confirm 9:11 10:23 copy 7:11 correct 10:11 counsel 12:6	D 2:1 DATE 12:13 Dave 10:9 DAY 1:10 Dead 7:18,20 DEP 1:10 Department 2:6 3:11,18 4:19 5:16 6:2,9,15 deputy 2:8 3:13 4:21 5:2,7 5:11,18,21 6:3,11 6:17,21 Devine 8:14 dog 2:3,10,11 3:14,16,21 3:23 4:22,25 5:4,8 5:11,13,22,24 6:5,7 6:11,13,17,19,23,24 7:4,6,9,15,21,25 8:19 9:15 dog's 7:10 Donnie 8:18 9:11,23 drone 9:13 dude 2:24 3:24 7:5,14,14 7:21,24 8:7,11	field 3:3 figured 3:4 financially 12:8 find 2:10 3:15,21 4:23 5:4 5:9,12,23 6:5,12,18 6:23 10:7 finds 2:2,11 3:15,22 4:23 5:1,12,23 6:6,12,24 6:25 fire 7:8 follow 11:20 front 9:2 fuck 7:5,6,14 9:17 10:21 11:11,15 fucking 2:23 7:4,13,15,23 11:13
			G
			G 2:1 4:9 gloves

<p>11:3,4 go 2:17 9:15 10:4 Goddammit 7:3 8:7 going 3:3,25 8:2 9:19 good 7:22,24 8:10,12 guys 2:16,22 11:1</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>hand 4:17 handcuffs 11:1 hands 2:8,9 3:13,14,20,20 4:21,21 5:3,3,18,18 5:21,22 6:3,4,21,22 Hey 2:14 8:2,18 9:5,11 10:20 11:8,16 He'll 8:4 Hi 2:13 hiding 2:7 3:11,19 4:20,24 5:1,6,10,16,19 6:1 6:10,15,20 hills 4:9 hit 8:11 hospital 11:9,17 house 9:19 hunkered 10:23</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>impressions 3:2</p>	<p>inaudible 4:6 7:2,7 8:3,6,8,17 9:6,10,20 10:24 11:18 info 4:13 INITIAL 1:9 interested 12:8</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>JACOB 12:2,13 JIMMY 12:2,13 Johnny 2:5 3:10,17 4:18 5:6 5:9,19 6:8,20</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>killed 7:4,6,14,20 Knock 9:23 know 2:7,20 3:11,19 4:11 4:20 5:6,9,19 6:10 6:20 8:1,1,1 10:7 11:6,8 knows 4:9,14 K-9 2:6 3:11,18 4:19 5:16 6:2,9,15 K9 1:9</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>laser 8:15 late 4:10 left 10:9 Let's</p>	<p>10:4 Llamas 1:16 2:5 3:10,17 4:18 5:6,9,19 6:8,20 look 11:21 looking 4:10,13 lost 4:12</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>main 2:24 March 12:12 MATTER 1:15 mine 2:21 mission 7:24 motherfucker 7:5,5 moving 9:1</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N 2:1 nearest 2:8 3:13 4:20 5:2,7 5:10,17,21 6:3,10 6:16,21 11:9,17 need 2:7 3:12,19 4:24 5:2 5:7,10,17,20 6:2,16 8:3 10:1,25 11:6 neither 12:6 night 4:10,11 nose 10:12,14</p> <hr/> <p style="text-align: center;">O</p> <hr/>	<p>O 2:1 Oh 7:5 Okay 2:25 3:4,6 8:23,25 open 11:22 outcome 12:8 overhead 10:6 o'clock 4:11 8:4</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P 2:1 parties 12:7 phonetic 2:13 4:2,12 7:11,17 8:14,18 9:24 police 2:10 3:14,21 4:22,25 5:3,8,11,22 6:5,11 6:17,23 position 9:21 10:19 possibly 7:9 prep 10:21 prepared 12:3 probably 11:22 property 2:17 push 8:2 9:23 pushing 8:4 Put 8:15</p>
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Q	SCENE	9:18,20,22,25 10:1	tracking
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4:1	Sean	10:14,16,18,20,22	trailers
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R	6:17	11:18,20,21,23,24	12:1
2:1	see	Stan	transcript
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2:22,22 3:8 8:13,14	2:24 3:1	2:7 3:12 5:20 6:9	10:14,16,18,20,22
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10:12 11:14	3:25	7:8 8:4 10:11	11:11,12,13,15,16
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8:24	3:7	take	unit
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9:8	SPEAKER	thick	visual
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way	3		
8:25 9:19	300		
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7:8			
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3:1			
we're	9		
2:24 8:19	9		
we've	3:7 9:7 10:7,22		
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	9:14 10:6		
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Yeah	10:17		
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Yep			
7:13			
yesterday			
4:12			
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EXHIBIT 12

EXHIBIT 12

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Call For Service Master

Data Source	RSO													
Call #	PC-231040046				Agen	PC	DArea		Date	04/14/2023		Cls-Code	25Z2N	
Call-Type	SPERS				Priority		2		Juris			Dispo	R	
Rc-Time	04/14/23 16:47:20						Ct-Oper-ID		N5872		Ct-Stat-ID		051	
Pd-Time	04/14/23 16:47:30						Pnd-Oper-ID		N5089		Pnd-Stat-ID		002	
Di-Time	04/14/23 16:51:58						Dsp-Oper-ID		N5089		Dsp-Stat-ID		002	
Ar-Time	04/14/23 16:53:38						Arr-Oper-ID		N5089		Arr-Stat-ID		002	
CI-Time	04/15/23 12:51:29						Cls-Oper-ID		N7779		Cls-Stat-ID		003	
911-Time	04/14/23 16:47:20					Rd	062F		Tb-Map					
XY-Zone					Fd			XY-Actual						
Loc	22305 RIVER RD								City		MEAD			
Cross	X UNK								Control					
Area	PC	Geo-Flag			Unit	MB27 3	Adult	00	Juv	00				
Off-1	4078		Off-2				Off-3				Off-4			
Asgn-1			Asgn-2				Asgn-3				Asgn-4			
Beat	42		Ocal-Type						Dupe-to					
Fire					Ems									
RP-Name	SANDRA SILVA													
RP-Address									RP-Phone		9512898290			
Next					Control CADX					Mast-Rel				

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COR 001304

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CAD Supplemental Data

Incident No. PC-231040046

Data Source	Time	Terminal	Operator	Action	Text
	04/14/2023				
RSO	16:47:20	51	N5872		NEAR:TB 837 C4/#1 HFA 30/SHORT 126/LSW BLK SHIRT BLU JEANS/#2 HMA 35/600 150/LS
RSO	16:47:20	51	N5872		W BLK SHIRT BLK PANTS//SEEN RUNNING AWAY FROM A GRY 13 TOYOTA SEDAN UNK LIC
RSO	16:48:09	51	N5872	TEXTF	SUBJS APPEAR CD N RUNNING THROUGH RPS PROPERTY/MALE TOLD FEMALE TO STAY AT LOC
RSO	16:48:09	51	N5872	TEXTF	REF HE WILL BE ARRESTED/PER RP POSS EVADING FROM POLICE/SUBJS HBD/NEG WPNS
RSO	16:48:25	51	N5872	TEXTF	SEEN/SUBJS SEEN GOING UP THE BACK SIDE OF RPS PROPERTY IN HILLS/SUBJS ATTEMPTED
RSO	16:48:25	51	N5872	TEXTF	TO HIDE IN RPS SHED/LS 10 AGO/NFI
RSO	16:48:38	51	N5872	TEXTF	CHECKING W CHP FOR ANY OUTSTANDING WANTS FOR SUBJ/
RSO	16:50:21	51	N5872	TEXTF	NEG CALLS FOR CHP IN AREA MATCHING
RSO	16:51:48	51	N5872	REMARK	SAME GENERAL AREA AS #PC41/UNK IF RELATED/DIFFERENT SUBJ DESCS
RSO	16:51:58	2	N5089	DISP	ST98
RSO	16:53:22	2	N5089	DISP	K932-R
RSO	16:53:35	998	2807	MDTACK	K932
RSO	16:53:38	2	N5089	ARRIVE	ST98
RSO	16:54:10	2	N5089	DISP	4PC44
RSO	16:54:12	998	1674	MDTACK	4PC44
RSO	16:54:50	2	N5089	DISP	3PC41-R; AT STORY HILL DRIVE DEAD END
RSO	16:54:56	998	5919	MDTACK	3PC41
RSO	16:55:22	2	N5089	DISP	2PC40
RSO	16:55:24	998	2573	BACKUP	ST98 ES7
RSO	16:55:25	998	2573	MDTACK	ES7
RSO	16:55:34	998	6192	MDTACK	2PC40
RSO	16:56:44	11	N6783	DISP	K9162
RSO	16:56:51	998	3665	MDTACK	K9162
RSO	16:56:57	11	N6783	ARRIVE	K9162
RSO	16:57:21	11	N6783	REMARK	ST98 :SUBJS WERE IN THE STREET EARLIER HOWEVER WENT INSIDE
RSO	16:57:37	998	1674	ARRIVE	4PC44
RSO	16:57:37	11	N6783	REMARK	ST98 :ATTEMPT TO CONTACT SOMEONE ON THE PROP REF DOT FOR SUBJS
RSO	16:57:46	11	N6783	REMARK	K9162 :CONTACTING A FEM AT THE PROP
RSO	16:58:27	998	2573	ARRIVE	ES7
RSO	16:58:54	11	N6783	CONTCT	ST98; IN 10 MINS
RSO	16:59:41	11	N6783	REMARK	K932 :SOUTH ON THE DIRT ROAD
RSO	17:00:08	11	N6783	REMARK	K9162 :FEM POINTING TWDS THE HILL
RSO	17:00:17	11	N6783	REMARK	K9162 :WHERE THE SHED, WOF THE PRIMARY LOC
RSO	17:00:28	11	N6783	REMARK	K9162 :WILL BE MALE AND FEM
RSO	17:00:52	11	N6783	ALERT	K932; AT 27450 EAGLE CREST; STATING UTL ANYONE IN THE LAST FEW MINS
RSO	17:01:23	11	N6783	REMARK	K9162 :OFFICER SAFTEY RP STATED MALE SUBJ HAD SAD HE IS GOING TO TAKE ON DE

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RSO	17:01:33	11	N6783	REMARK	K9162 :DEPS AND ADVD FEM TO STAY BEH
RSO	17:02:05	11	N6783	REMARK	K9162 :FEM IS BRENDA... RP STATED DEPS SHOULD BE FAMILIAR WITH HER
RSO	17:02:14	11	N6783	CONTCT	K9162; IN 15 MINS
RSO	17:02:29	11	N6783	REMARK	K9162 :MALE LSW BLK SHIRT BLK JEANS
RSO	17:02:53	11	N6783	CONTCT	4PC44; IN 15 MINS
RSO	17:03:57	11	N6783	CONTCT	ES7; IN 15 MINS
RSO	17:04:17	11	N6783	REMARK	ST98 :NORTH OF RR THERE IS A BLU DOUBLE WIDE
RSO	17:04:21	11	N6783	REMARK	ST98 :WOF DEPS LOC
RSO	17:04:59	11	N6783	REMARK	ST98 :22240 RIVER WHERE THE BLU DOUBLE WIDE
RSO	17:05:09	11	N6783	REMARK	K9162 :RP ID'D SUBJ IS JOHNNY
RSO	17:05:56	11	N6783	RELOC	K932; TO 27450 EAGLE CREST
RSO	17:06:09	11	N6783	TEXTF	****LLAMAS,JOHNNY 05-05-1987 M H 508 170 BLK BRO // LOCAL 1032FX 3****
RSO	17:06:35	11	N6783	REMARK	ES7 :FEM IS POINTING FROM LOC --- SW TWDS EAGLE CREST OR DEAD END
RSO	17:07:53	11	N6783	REMARK	ST98 :UNIT TO THE END OF STONEY HILL
RSO	17:07:56	11	N6783	REMARK	ST98 :FOR THE WEST END
RSO	17:08:29	11	N6783	DISPAR	PE150
RSO	17:08:53	11	N6783	REMARK	ST98 :SW OF THE LOC, THERE IS AN OLD BARN AND ROOF IS GRN
RSO	17:09:07	11	N6783	REMARK	ST98 :LOOKS VACANT AT THE END OF STONEYHILL SOF RIVER
RSO	17:09:13	11	N6783	CONTCT	ST98; IN 15 MINS
RSO	17:09:27	998	6192	INSERV	2PC40
RSO	17:10:45	11	N6783	REMARK	K932 :4 ADULT MALES IN THE HOUSE DID NOT SEE ANYONE
RSO	17:11:12	11	N6783	REMARK	K9162 :RIVER CANAL... POSS WHERE THE SUBJ STARTED WALKING THROUGH
RSO	17:12:14	11	N6783	ALERT	PE150; AT WEST OF STONEYHILL X ON THE WEST OF THE CREEK
RSO	17:12:40	11	N6783	DISPAR	PE174-R
RSO	17:12:41	11	N6783	ALERT	PE174; AT ON FOOT RIVER X STONEY HILL OVERLOOKING HILL
RSO	17:19:04	2	N5089	CONTCT	PE174 PE150 4PC44; TIMER OFF
RSO	17:19:16	998	5402	BACKUP	ES7 5ES85
RSO	17:19:17	998	5402	MDTACK	5ES85
RSO	17:19:31	2	N5089	CONTCT	ES7; TIMER OFF
RSO	17:20:21	998	6096	BACKUP	ES7 5ES88
RSO	17:20:23	998	6096	MDTACK	5ES88
RSO	17:20:48	998	5222	BACKUP	ES7 5ES84
RSO	17:20:50	998	5222	MDTACK	5ES84
RSO	17:21:06	2	N5089	DISP	ST98-R; ASSIGNED TO #PE23104118
RSO	17:21:36	2	N5089	CONTCT	K9162; TIMER OFF
RSO	17:23:49	998	4402	BACKUP	ES7 ES280
RSO	17:23:50	998	4402	MDTACK	ES280
RSO	17:23:51	998	5190	BACKUP	ES7 5ES87
RSO	17:23:55	998	5190	MDTACK	5ES87
RSO	17:24:37	2	N5089	ARRIVE	3PC41; TIMER OFF; AT STONYHILL RIVER
RSO	17:25:07	2	N5089	ARRIVE	4PC44; TIMER OFF; ROVING
RSO	17:26:13	998	6096	ARRIVE	5ES88
RSO	17:28:59	998	4923	RELOCA	PE150; AT STONYHILL DR X RIVER ROAD C4
RSO	17:32:17	2	N5089	CONTCT	5ES88; TIMER OFF
RSO	17:32:48	2	N5089	REMARK	ES7 :SUBJ GOA W GIRLF PRISCILLA
RSO	17:33:01	998	2960	BACKUP	ES7 ES114

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RSO	17:33:02	998	2960	MDTACK	ES114
RSO	17:33:11	2	N5089	DISP	ST98
RSO	17:34:14	998	5402	ARRIVE	5ES85
RSO	17:35:34	2	N5089	CONTCT	PE150; TIMER OFF
RSO	17:39:41	998	2960	ARRIVE	ES114
RSO	17:40:59	2	N5089	REMARK	ST98 :RPD IN PURSUIT SB BARTON REF 10851/NEG ASSISTANCE NEEDED
RSO	17:42:33	2	N5089	DISP	4PC44-R; ASSIGNED TO #PC23104049
RSO	17:43:14	998	5222	ARRIVE	5ES84
RSO	17:45:58	2	N5089	CONTCT	ES114; TIMER OFF
RSO	17:49:44	2	N5089	REMARK	ES7 :PER INTEL/K944 DOING ANNOUNCEMENTS/WILL BE CLEAR PROP W STONEY HILL
RSO	17:51:36	2	N5089	REMARK	PE174 :WILL BE SOUTHEND OF PERIM VIS OF 2-3 SUBJS AT TOP OF HILL
RSO	17:52:10	2	N5089	REMARK	ES7 :STANDING BY FOR BEARCAT
RSO	17:52:32	2	N5089	REMARK	ST98 :VIS OF SUBJS/WILL BE 3 ON TOP OF THE HILL/POSS UNRELATED REF SUBJS
RSO	17:52:43	2	N5089	REMARK	ST98 :LSW DIRTBKIE GEAR
RSO	17:54:11	2	N5089	REMARK	BEARCAT 97
RSO	17:56:00	2	N5089	CONTCT	5ES84 5ES85; TIMER OFF
RSO	17:58:22	2	N5089	REMARK	ES114 :PATCH W SEB TAC2 W PER 1
RSO	18:02:10	998	3804	BACKUP	K9162 K931
RSO	18:02:12	998	3804	MDTACK	K931
RSO	18:02:15	998	3804	ARRIVE	K931
RSO	18:02:21	2	N5089	CONTCT	K931; TIMER OFF
RSO	18:02:37	2	N5089	REMARK	ES7 :REQ RCF TO STAGE AT JOHN X RIVER
RSO	18:03:19	998	5620	BACKUP	PE150 2PE37
RSO	18:03:22	998	5620	MDTACK	2PE37
RSO	18:06:04	7	N6637	REMARK	CO FIRE ADVD
RSO	18:07:12	2	N5089	ARRIVE	K932; TIMER OFF
RSO	18:07:40	2	N5089	ARRIVE	K932; TIMER OFF; AT WEST END OF RIVERVIEW
RSO	18:18:28	2	N5089	INSERV	ST98
RSO	18:20:32	998	5620	ENHAN8	2PE37
RSO	18:20:33	998	5620	ARRIVE	2PE37
RSO	18:20:39	998	6078	BACKUP	PE150 1PC40
RSO	18:20:41	998	6078	MDTACK	1PC40
RSO	18:20:58	998	5620	CONTCT	2PE37; TIMER OFF
RSO	18:21:39	2	N5089	REMARK	ES7 :REQ RCF BE ADVD REF UNITS ON RIVER BTWN STONYHILL W AND STONYHILL E
RSO	18:21:48	2	N5089	REMARK	RCF ADVD
RSO	18:25:56	998	5620	RELOCE	2PE37; TO STONYHILL X RIVER
RSO	18:26:00	998	5620	ARRIVE	2PE37
RSO	18:26:03	998	5620	CONTCT	2PE37; TIMER OFF
RSO	18:28:17	6	N5970	REMARK	ES114 :2 DOORS ON SHED LOCKED/DOGS DID NOT ALERT
RSO	18:28:24	6	N5970	REMARK	ES114 :K9 CURR WORKING RV
RSO	18:30:06	6	N5970	REMARK	ES7 :CLEARED RV W K9 AND UTL
RSO	18:31:27	998	5919	ENHAN8	3PC41
RSO	18:31:29	998	5919	ENHAN8	3PC41 3PC41
RSO	18:34:31	6	N5970	REMARK	ES114 :USING DRONE TO CLEAR VEGETATION
RSO	18:39:57	998	6078	ARRIVE	1PC40
RSO	18:41:17	6	N5970	TEXTF	STRUCTURE ON 3-4 CORNER OF CONTAINMENT UNITS WORKING ON CLEARING NOW

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RSO	18:46:47	6	N5970	ARRIVE	5ES87; TIMER OFF
RSO	18:47:09	6	N5970	ARRIVE	ES280; TIMER OFF
RSO	18:47:20	3	N6836	CONTCT	1PC40; TIMER OFF
RSO	18:55:08	6	N5970	REMARK	PER HOMEOWNER ALL DOORS AND WINDOWS SHOULD BE INTACT
RSO	18:55:37	6	N5970	REMARK	5ES85 :3 SIDE WINDOW HAS A CRACK
RSO	19:01:00	6	N5970	REMARK	5ES85 :3 SIDE WINDOW COMPLETELY OUT/PLYWOOD SEEN INSIDE/UNABLE TO TELL IF
RSO	19:01:11	6	N5970	REMARK	5ES85 :WOOD IS SCREWED IN OR NOT/GLASS IS GONE
RSO	19:01:45	6	N5970	REMARK	5ES85 :DOORS ARE ALL IN TACT
RSO	19:03:42	6	N5970	REMARK	ES7 :MOVING UP TO THE 3 SIDE
RSO	19:05:49	6	N5970	DISPAR	K920-R
RSO	19:05:54	6	N5970	DISPAR	K921-R
RSO	19:05:59	6	N5970	DISPAR	K944-R
RSO	19:06:16	6	N5970	DISPAR	5ES57-R
RSO	19:06:57	6	N5970	CONTCT	K920 K921 K944; TIMER OFF
RSO	19:17:32	6	N5970	REMARK	ES7 :SHOTS FIRED
RSO	19:17:41	6	N5970	REMARK	ES7 :NEG DEPS INJURED
RSO	19:18:02	6	N5970	REMARK	5ES57 :UNITS TAKE COVER
RSO	19:18:14	6	N5970	REMARK	5ES57 :NEED BEARCAT FOR COVERAGE
RSO	19:18:48	6	N5970	REMARK	SUSP SHOT AT HUNITS/NEG OIS
RSO	19:18:58	6	N5970	REMARK	RIGHT IFO THE BEARCAT /SUBJ IN THE TREES
RSO	19:19:03	6	N5970	REMARK	DOG POSS DOWN
RSO	19:19:35	6	N5970	REMARK	ES7 :UNITS HOLD CONTAINMENT/SUSP CURR EB FROM UNITS
RSO	19:19:44	7	N5565	DISP	ST98
RSO	19:20:40	6	N5970	DISPAR	K912
RSO	19:20:53	6	N5970	REMARK	K912 :SUBJ WALKING EB IN THE RIVERBED STILL LSW GRY SWEATSHIRT
RSO	19:21:01	6	N5970	REMARK	K912 :MALE W THE FEM
RSO	19:21:08	6	N5970	REMARK	SUBJ SHOT ONE TIME
RSO	19:21:15	6	N5970	REMARK	ST98 :VIS OF SUBJS HUNKERING DOWN IN A BUSH
RSO	19:21:43	6	N5970	REMARK	ST98 :BEARCAT FACING SUBJS /SUBJS OFF THE PASSENGER SIDE
RSO	19:22:25	7	N5565	ARRIVE	ST98; IN 15 MINS
RSO	19:22:25	6	N5970	REMARK	ST98 :SUBJS ARE TOGETHER/1 SUBJ EXITING THE BUSH
RSO	19:22:39	6	N5970	REMARK	ST98 :WILL BE ON THE OTHER SIDE OF TREE LINE OPPOSITE BEAR CAT
RSO	19:22:48	6	N5970	REMARK	ST98 :SUBJS LAYED BACK DOWN
RSO	19:22:55	6	N5970	REMARK	ST98 :WILL BE NEAR THE SMALL ROCK CROPPING
RSO	19:23:17	6	N5970	REMARK	ST98 :SUBJS MOVING EB
RSO	19:23:29	6	N5970	REMARK	ST98 :SUBJS IN TREE LINE NOF ROCK CROPPING
RSO	19:23:34	6	N5970	REMARK	ST98 :SUBJS CURR CRAWLING AWAY FROM UNITS
RSO	19:24:22	6	N5970	REMARK	ST98 :SUBJS IN A HVY TREE LINE/50 YARDS FROM THE BEAR CAT
RSO	19:24:38	6	N5970	REMARK	ST98 :SUBJS CRAWLING TWDS ORIG PROPERTY UNITS WERE GOING TO SEARCH
RSO	19:24:47	6	N5970	REMARK	ST98 :UNITS NOT IN THE LINE OF FIRE/SUBJS ATTG TO HIDE FROM UNITS
RSO	19:25:57	6	N5970	REMARK	ST98 :SUBJS RUNNING BACK TWDS RIVER/NB AWAY FROM RIVERBOTTOM
RSO	19:26:03	6	N5970	REMARK	ST98 :SUBJ HAS ITEM IN HIS LEFT HAND
RSO	19:26:10	6	N5970	REMARK	ST98 :RUNNING TWDS THE GATE TWDS RIVER
RSO	19:26:30	6	N5970	REMARK	ST98 :SUBJ APPROACHING ROOFTOP 085

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RSO	19:26:52	6	N5970	REMARK	ST98 :SUBJ CURR IN THE DRIVEWAY
RSO	19:27:13	6	N5970	REMARK	ST98 :FEM STOPPED BEH WHITE SINGLEWIDE
RSO	19:27:21	6	N5970	REMARK	ST98 :SUBJ HAS A GUN TO HIS HEAD
RSO	19:27:26	6	N5970	REMARK	ST98 :GUN IN HIS RIGHT HAND
RSO	19:27:52	6	N5970	REMARK	ST98 :SUBJ LOW CRAWLING ON THE DRIVEWAY/GUN IN HIS MOUTH
RSO	19:28:06	6	N5970	REMARK	ST98 :RIGHT HAND ON THE GUN LEFT HAND IN THE AIR
RSO	19:28:20	6	N5970	REMARK	ST98 :GUN TO HIS HEAD
RSO	19:28:25	6	N5970	REMARK	ST98 :WATCH FOR CROSSFIRE
RSO	19:28:42	6	N5970	REMARK	ST98 :WALKING TWDS THE RESD
RSO	19:29:00	6	N5970	REMARK	ST98 :GUN IN HIS HAND /RIGHT TURN NOW RUNNING IN THE WASH ALONG PHONE POLES
RSO	19:29:09	6	N5970	REMARK	ST98 :RUNNING AWAY FROM UNITS
RSO	19:29:19	6	N5970	REMARK	ST98 :SHOTS FIRED /SUSP DOWN
RSO	19:29:26	6	N5970	REMARK	ST98 :SUBJ STILL MOVING CURR CRAWLING
RSO	19:29:30	240	N5515	TEXTF	RCF UPDATED//
RSO	19:29:39	6	N5970	TEXTF	3 SIDE SECURED
RSO	19:29:53	6	N5970	REMARK	ST98 :MAKING CONT W SUBJ
RSO	19:30:34	6	N5970	TEXTF	NEED ASSISTANCE W K9 GETTING TO THE HOSP
RSO	19:30:44	6	N5970	REMARK	ES114 :1 DET'D
RSO	19:31:09	6	N5970	REMARK	ST98 :NEG VIS OF FEM
RSO	19:31:16	7	N5565	DISPAR	5ES52
RSO	19:31:27	6	N5970	REMARK	5ES52 :FEM LS BEH THE WHITE TRAILER ON THE PROPERTY
RSO	19:31:41	240	N5515	TEXTF	RCF STILL STAGING
RSO	19:31:43	6	N5970	REMARK	5ES52 :2 SHOOTERS/ALL DEPS CD4
RSO	19:32:03	6	N5970	REMARK	K932 :DID NOT HAVE VIS OF FEM GO NORTH SOUTH OF THE VAN
RSO	19:32:46	7	N5565	RELOCA	ES114; AT 22250 RIVER; WERE MED IS NEEDED AND WHERE OIS OCCD
RSO	19:32:55	6	N5970	REMARK	22250 RIVER WHERE OIS OCCD AND WHERE MEDICAL IS NEEDED
RSO	19:33:09	6	N5970	REMARK	ST98 :FEM UNDER THE TRAILER/SO FAR COMPLIANT
RSO	19:33:19	6	N5970	REMARK	ST98 :SUSP AT 22240
RSO	19:33:40	6	N5970	REMARK	ES114 :FEM IC
RSO	19:34:16	6	N5970	REMARK	WILL BE K9 RUDY WHO WAS INJ
RSO	19:34:28	6	N5970	REMARK	ES114 :MEDICS 97 W SUSP
RSO	19:34:38	7	N5565	REMARK	CDF ADVD TO ROLL IN TO 22240 RIVER
RSO	19:35:23	10	N6509	REMARK	MCB PAGED
RSO	19:35:50	6	N5970	REMARK	ES114 :OCCD AT ENTRANCE OF 22250
RSO	19:36:03	6	N5970	DISP	3PC40
RSO	19:36:09	6	N5970	REMARK	3PC40 :STARTING CRITICAL INCIDENT
RSO	19:36:13	998	6150	MDTACK	3PC40
RSO	19:36:33	6	N5970	REMARK	SHOOTERS ES114 AND 5ES85
RSO	19:36:38	16	N4478	REMARK	PSB ADVD
RSO	19:36:51	6	N5970	REMARK	ES114 :CORR OCCD AT 22240 RIVER/AMR TAKING OVER
RSO	19:37:06	6	N5970	REMARK	ES114 :REQ UNITS FOR A SAFETY SWEEP
RSO	19:37:10	10	N6509	REMARK	CALL SENT TO W. MENDEZ W PSB
RSO	19:37:14	6	N5970	REMARK	ES7 :SUBJ 10-7
RSO	19:37:28	16	N4478	REMARK	UNDERSHERIFF SHARP ADVD
RSO	19:37:55	10	N6509	REMARK	SGT MARTINEZ W PSB ADVD
RSO	19:37:59	16	N4478	REMARK	DISP ADMIN AWARE OF CALL AND COPY OF CALLS SENT TO THEM
RSO	19:38:23	6	N5970	REMARK	K9 ENRT TO THE HOSP CODE IN MURR

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RSO	19:38:32	16	N4478	REMARK	RSA BEING ADVD
RSO	19:38:53	6	N5970	REMARK	ES7 :10-34
RSO	19:39:01	10	N6509	REMARK	MA101 ADVD / FID ADVD AND WILL BE RESPG
RSO	19:39:07	6	N5970	REMARK	ES7 :UNITS DOING DOOR KNOCKS FOR POSS IMPACTS
RSO	19:39:08	10	N6509	REMARK	CALL SEND TO MA101
RSO	19:39:35	6	N5970	REMARK	ES7 :UTL ANY IMPACTS
RSO	19:40:09	6	N5970	REMARK	ES7 :SO FAR
RSO	19:40:40	6	N5970	REMARK	PE174 :22910 RIVER X STONEY HILL WILL BE SECONDARY COMMAND POST
RSO	19:40:48	10	N6509	REMARK	CALL SENT TO UNDERSHERIFF SHARP
RSO	19:40:48	7	N5565	REMARK	MPD ENRT TO ASSIST IN ESCORT FOR K9 TO HOSP
RSO	19:41:00	6	N5970	REMARK	5ES52 :22285 RIVER RESIDENTS CD4
RSO	19:41:58	7	N5565	RELOCE	K920; TO VCA MURRIETA; ETA 9 MIN
RSO	19:41:59	10	N6509	REMARK	SHERIFF BIANCO ADVD / CALL SENT TO SHERIFF BIANCO
RSO	19:42:21	6	N5970	REMARK	2 CRITICAL INCIDENT LOGS AT ORIG SHOOTING AND 2ND SHOOTING
RSO	19:42:40	6	N5970	CONTCT	5ES52 ES114 K912; TIMER OFF
RSO	19:42:48	6	N5970	CONTCT	5ES57; TIMER OFF
RSO	19:42:49	6	N5970	CONTCT	ST98; IN 15 MINS
RSO	19:42:54	7	N5565	REMARK	MPD WILL BLOCK SB 215 AT LOS ALAMOS
RSO	19:43:16	6	N5970	REMARK	ES280 :AT INITIAL SHOOTING SCENE
RSO	19:43:16	16	N4478	REMARK	RSA GIVEN INFO
RSO	19:43:53	16	N4478	REMARK	MIB PAGED
RSO	19:44:19	6	N5970	INSERV	ST98
RSO	19:44:32	10	N6509	REMARK	CORONER ADVD AND WILL CONT PE150
RSO	19:44:53	7	N5565	REMARK	K920 :K9S 1 OUT FROM HOSP / MPD ADVD
RSO	19:45:16	6	N5970	REMARK	K932 :27403 EAGLECREST NO ANSWER
RSO	19:45:43	16	N4478	REMARK	MA101 ADVD OF CALL
RSO	19:45:54	10	N6509	REMARK	WENDY W/ MIB ADVD
RSO	19:45:59	7	N5565	REMARK	*****SECONDARY COMMAND POST AT 22910 RIVER X STONEY HILL
RSO	19:46:38	7	N5565	REMARK	****3PC40 DOING CRITICAL INCIDENT LOG
RSO	19:46:54	16	N4478	REMARK	SGT DELAGARZA W EMP WELLNESS AND SUPPORT UNIT ADVD OF CALL
RSO	19:46:57	10	N6509	REMARK	MIB ENRT
RSO	19:46:58	6	N5970	REMARK	K932 :22420 EAGLE CREST W HOMEOWNER
RSO	19:47:14	7	N5565	ARRIVE	K9162; TIMER OFF
RSO	19:47:16	7	N5565	ARRIVE	K920
RSO	19:47:23	7	N5565	RELOCA	K9162; AT VCA HOSP MURRIETA
RSO	19:47:24	998	N6799	BACKUP	K944 1T366
RSO	19:47:25	7	N5565	CONTCT	K9162; TIMER OFF
RSO	19:47:26	998	N6799	MDTACK	1T366
RSO	19:47:37	6	N5970	REMARK	K932 :PROPERTY EMPTY AT TIME OF INCIDENT
RSO	19:48:33	998	N6799	ENHAN8	1T366 1T366
RSO	19:48:40	14	N2948	REMARK	ON CALL DA ADVISED
RSO	19:48:41	10	N6509	REMARK	CALL SENT TO SGT DE LA GARZA W WELLNESS SUPPORT UNIT
RSO	19:50:15	7	N5565	RELOCA	K944; AT VCA HOSP MURRIETA
RSO	19:50:41	7	N5565	CONTCT	K944; TIMER OFF
RSO	19:55:56	998	2951	BACKUP	ES114 ES106
RSO	19:55:57	998	2951	MDTACK	ES106
RSO	19:56:50	5	N6350	REMARK	K920 :NEG ANS ON SW AIR
RSO	19:57:51	998	4117	RELOCE	K912; TO VCA MURRIETA

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RSO	19:58:00	7	N5565	RELOCE	K932; TO VCA HOSP MURRIETA
RSO	19:58:12	998	2807	ENHAN8	K932
RSO	19:58:15	998	2807	ENHAN8	K932 K932
RSO	19:58:24	7	N5565	RELOCE	K921; TO VCA HOSP MURRIETA
RSO	19:58:44	998	5579	ENHAN8	K921
RSO	19:58:47	998	5579	ENHAN8	K921 K921
RSO	19:59:17	5	N6350	CONTCT	K920; TIMER OFF
RSO	19:59:47	10	N6509	REMARK	SGT BRITO-GONZALEZ W MIB ENRT
RSO	20:02:21	998	2951	ARRIVE	ES106
RSO	20:10:37	3	N6836	TRANS	3PC40; AT 1014 W1X 1019; SM 89
RSO	20:18:20	998	4117	ARRIVE	K912
RSO	20:19:40	6	N5970	REMARK	ES7 :CD4 TO DROP THE PATCH
RSO	20:20:35	6	N5970	REMARK	DROPPING THE PATCH
RSO	20:22:19	240	N5515	ARRIVE	3PC40; TIMER OFF; EM 96
RSO	20:27:51	5	N6350	CONTCT	K912; TIMER OFF
RSO	20:29:52	3	N6836	REMARK	PE174 :REQ SERT 21 WC DIRECT
RSO	20:30:09	998	5402	RELOCE	5ES85; TO SEB
RSO	20:31:48	3	N6836	REMARK	PE174 :MEDIA 97
RSO	20:31:54	7	N4157	REMARK	SERT5 ADV TO CONT PE174
RSO	20:32:59	998	3804	ENHAN8	K931 K931
RSO	20:34:30	5	N6350	CONTCT	ES106; TIMER OFF
RSO	20:40:31	3	N6836	REMARK	PE174 :GTF UNITS ON PERIMETER/DIRECT ADMIN UNITS TO 2NDARY CP
RSO	20:49:52	1	N4157	DISP	SERT22
RSO	20:53:59	56	N6020	DISP	5ID21
RSO	20:55:06	56	N6020	RELOCE	5ID21; TO STONYHILL X RIVER ROAD
RSO	21:00:06	998	5402	ARRIVE	5ES85
RSO	21:00:14	998	5402	CONTCT	5ES85; TIMER OFF
RSO	21:03:45	58	N6256	DISP	5ID13; AT 24194 DAYTONA COVE
RSO	21:10:37	3	N6836	ARRIVE	SERT22; TIMER OFF
RSO	21:12:52	3	N6836	ARRIVE	5ID21; TIMER OFF
RSO	21:19:45	58	N6256	ARRIVE	5ID13; TIMER OFF
RSO	21:46:08	998	4402	BUSY	ES280; AT SEB
RSO	22:00:04	998	6096	RELOCE	5ES88; TO SEB
RSO	22:00:21	998	3804	BACKUP	K9162 K931
RSO	22:00:22	998	3804	MDTACK	K931
RSO	22:14:45	998	6096	ARRIVE	5ES88
RSO	22:14:48	998	6096	CONTCT	5ES88; TIMER OFF
RSO	22:19:28	44	N7234	DISP	5ID93
RSO	22:20:33	998	3804	ARRIVE	K931
RSO	22:26:02	1	N4157	CONTCT	K931; TIMER OFF
RSO	22:39:53	52	N7140	TEXTF	ADDL RP DONALD JORDAN 951.437.2209 REQ DEP CONT REF HAS JUVS ALONE AT HIS RESD
RSO	22:39:53	52	N7140	TEXTF	27399 THEDA ST AND UNABLE TO GET THROUGH BLOCKAGE
RSO	22:49:15	13	N6411	CONTCT	ES280; TIMER OFF
RSO	22:55:28	1	N4157	REMARK	SPOKE W DONALD/ ADV GOING BACK WAY TO GET TO RESD
RSO	23:21:44	998	3870	ENHAN8	PE174
RSO	23:21:46	998	3870	ENHAN8	PE174 PE174
RSO	23:27:01	240	N5515	CNTCLR	5ID93; IN 60 MINS; 20MINS OUT
RSO	23:29:23	1	N4157	DISP	1TE65
RSO	23:29:28	998	1828	MDTACK	1TE65

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RSO	23:52:54	52	N7140	ARRIVE	5ID93; TIMER OFF
	04/15/2023				
RSO	00:07:53	998	6096	ENHAN8	5ES88
RSO	00:07:54	998	5190	ENHAN8	5ES87 5ES87
RSO	00:07:57	998	6096	ENHAN8	5ES88 5ES88
RSO	00:10:31	998	5222	ENHAN8	5ES84 5ES84
RSO	00:25:17	998	4117	ENHAN8	K912
RSO	00:25:20	998	4117	ENHAN8	K912 K912
RSO	00:29:49	1	N4157	ARRIVE	1TE65; TIMER OFF
RSO	00:33:01	998	3665	BUSY	K9162; AT SEB
RSO	00:42:57	998	1828	ARRIVE	1TE65
RSO	00:45:50	11	N6408	TEXTF	RP MARK REDDICK 951 350 6320 ON 911 ADVG HE IS CURR AT RIVER RD X GREENWALD REQ
RSO	00:45:50	11	N6408	TEXTF	UESTING ASSISTANCE TO GET TO HIS RESD AT 22265 RACITOT
RSO	00:46:09	998	3540	ENHAN8	K920
RSO	00:46:13	998	3540	ENHAN8	K920 K920
RSO	00:46:52	3	N6256	REMARK	GBD ADDTL
RSO	00:49:08	5	N7377	CONTCT	1TE65; TIMER OFF
RSO	01:03:40	998	2951	ENHAN8	ES106
RSO	01:03:43	998	2951	ENHAN8	ES106 ES106
RSO	01:05:33	52	N7140	INSERTV	5ES52
RSO	01:05:54	998	5402	INSERTV	5ES85
RSO	01:06:19	6	N5970	RELOCE	5ID13; TO 22240 RIVER
RSO	01:07:52	998	4402	ENHAN8	ES280
RSO	01:07:53	998	4402	ENHAN8	ES280 ES280
RSO	01:08:20	998	5345	INSERTV	K944
RSO	01:08:27	998	2960	ENHAN8	ES114
RSO	01:08:29	998	2960	ENHAN8	ES114 ES114
RSO	01:16:29	998	3804	INSERTV	K931
RSO	01:21:44	3	N6256	ARRIVE	5ID13
RSO	01:21:48	3	N6256	ARRIVE	5ID13; TIMER OFF
RSO	01:29:59	41	N8053	INSERTV	5ID93; 1019
RSO	01:37:54	3	N6256	CONTCT	K9162; TIMER OFF
RSO	01:43:20	998	5620	ENHAN8	2PE37
RSO	01:43:22	998	5620	ENHAN8	2PE37 2PE37
RSO	01:44:54	998	3665	ENHAN8	K9162
RSO	01:44:56	998	3665	ENHAN8	K9162 K9162
RSO	02:00:53	1	N4157	INSERTV	PE150
RSO	02:01:51	1	N4157	COPY	FROM #PC23104039
RSO	02:01:51	1	N4157	COPY	(LOC:) 27080 W ST HWY 74'MEAD,X MEADOWBROOK
RSO	02:01:51	1	N4157	COPY	(RP:) DANIEL PUSZERT
RSO	02:01:51	1	N4157	COPY	(ADD:)
RSO	02:01:51	1	N4157	COPY	(PH:) 9512599471
RSO	02:01:51	1	N4157	COPY	(1553 060/N7231:)
RSO	02:01:51	1	N4157	COPY	REF #PC23102034 & #PC23103045 10851 ID 1154 / ADV SUBJ AT LOC IS SPRAYPAINTING
RSO	02:01:51	1	N4157	COPY	(1553 060/N7231:)
RSO	02:01:51	1	N4157	COPY	VEH AND SWITCHING LIC PLATE / RP BELIEVES IS 1032V HOWEVER CANNOT CONFIRM
RSO	02:01:51	1	N4157	COPY	(1554 060/N7231:)
RSO	02:01:51	1	N4157	COPY	TEXTF :

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RSO	02:01:51	1	N4157	COPY	RP ADV SUBJ CURR HAS BLK OLDER CHEVY S10 LIC UNK / SINFO REF JOHNNY UNK LAST HM
RSO	02:01:51	1	N4157	COPY	(1554 060/N7231:)
RSO	02:01:51	1	N4157	COPY	TEXTF :A 30S 600 185 LSW GRY TANK TOP BLU JEANS
RSO	02:01:51	1	N4157	COPY	(1554 060/N7231:)
RSO	02:01:51	1	N4157	COPY	TEXTF :UNK REF WPNS / KNOWN TO BE HBD REF BOTTLE OF WHISKEY POSS CDN REF METH
RSO	02:01:51	1	N4157	COPY	(1554 002/N5089:)
RSO	02:01:51	1	N4157	COPY	DISP :3PC41
RSO	02:01:51	1	N4157	COPY	(1555 060/N7231:)
RSO	02:01:51	1	N4157	COPY	REMARK:RP ASKING FOR DEPS TO BE DISCREET
RSO	02:01:51	1	N4157	COPY	(1556 060/N7231:)
RSO	02:01:51	1	N4157	COPY	TEXTF :
RSO	02:01:51	1	N4157	COPY	RP ADV SUBJ IS ALSO SELLING TOOLS THAT HE HAD STOLE FRM MAINTENANCE EMP AT NEAR
RSO	02:01:51	1	N4157	COPY	(1556 060/N7231:)
RSO	02:01:51	1	N4157	COPY	TEXTF :BY APTS
RSO	02:01:51	1	N4157	COPY	(1603 002/N5089:)
RSO	02:01:51	1	N4157	COPY	DISP :3PC40-R
RSO	02:01:51	1	N4157	COPY	(1605 002/N5089:)
RSO	02:01:51	1	N4157	COPY	DISP :3PE34
RSO	02:01:51	1	N4157	COPY	(1611 007/N6637:)
RSO	02:01:51	1	N4157	COPY	REMARK:ST9 ADVD VIA AIR CALL
RSO	02:01:51	1	N4157	COPY	(1614 002/N5089:)
RSO	02:01:51	1	N4157	COPY	DISP :5ES57; REQ UNITS STANDDOWN
RSO	02:01:51	1	N4157	COPY	(1614 998/4505 :)
RSO	02:01:51	1	N4157	COPY	MDTACK:5ES57
RSO	02:01:51	1	N4157	COPY	(1620 998/5919 :)
RSO	02:01:51	1	N4157	COPY	MDTACK:3PC41
RSO	02:01:51	1	N4157	COPY	(1621 998/5919 :)
RSO	02:01:51	1	N4157	COPY	RELOCE:3PC41; TO 74 X THEDA
RSO	02:01:51	1	N4157	COPY	(1621 998/6150 :)
RSO	02:01:51	1	N4157	COPY	MDTACK:3PC40
RSO	02:01:51	1	N4157	COPY	(1621 998/6150 :)
RSO	02:01:51	1	N4157	COPY	MDTACK:3PC40
RSO	02:01:51	1	N4157	COPY	(1621 002/N5089:)
RSO	02:01:51	1	N4157	COPY	REMARK:5ES57 :UNITS HEBERT AND MCPHEARSON
RSO	02:01:51	1	N4157	COPY	(1622 998/2573 :)
RSO	02:01:51	1	N4157	COPY	BACKUP:3PC41 ES7
RSO	02:01:51	1	N4157	COPY	(1622 998/2573 :)
RSO	02:01:51	1	N4157	COPY	MDTACK:ES7
RSO	02:01:51	1	N4157	COPY	(1624 002/N5089:)
RSO	02:01:51	1	N4157	COPY	REMARK:3PC41 :LLAMAS,JOHNNY 050587
RSO	02:01:51	1	N4157	COPY	(1630 998/3540 :)
RSO	02:01:51	1	N4157	COPY	BACKUP:5ES57 K920
RSO	02:01:51	1	N4157	COPY	(1630 998/3540 :)
RSO	02:01:51	1	N4157	COPY	MDTACK:K920
RSO	02:01:51	1	N4157	COPY	(1630 998/3540 :)
RSO	02:01:51	1	N4157	COPY	ARRIVE:K920
RSO	02:01:51	1	N4157	COPY	(1632 002/N5089:)
RSO	02:01:51	1	N4157	COPY	ARRIVE:3PE34; AT MEADBROOK X 74; IN UC
RSO	02:01:51	1	N4157	COPY	(1634 998/5345 :)

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RSO	02:01:51	1	N4157	COPY	BACKUP:K920 K944
RSO	02:01:51	1	N4157	COPY	(1634 998/5345 :)
RSO	02:01:51	1	N4157	COPY	MDTACK:K944
RSO	02:01:51	1	N4157	COPY	(1635 998/2807 :)
RSO	02:01:51	1	N4157	COPY	BACKUP:3PC41 K932
RSO	02:01:51	1	N4157	COPY	(1635 998/2807 :)
RSO	02:01:51	1	N4157	COPY	MDTACK:K932
RSO	02:01:51	1	N4157	COPY	(1637 998/2807 :)
RSO	02:01:51	1	N4157	COPY	ARRIVE:K932
RSO	02:01:51	1	N4157	COPY	(1639 998/2573 :)
RSO	02:01:51	1	N4157	COPY	ARRIVE:ES7
RSO	02:01:51	1	N4157	COPY	(1639 002/N5089:)
RSO	02:01:51	1	N4157	COPY	REMARK:5ES57 :VEH LS EB FROM 74 ON ETHANAC
RSO	02:01:51	1	N4157	COPY	(1639 998/6150 :)
RSO	02:01:51	1	N4157	COPY	ARRIVE:3PC40
RSO	02:01:51	1	N4157	COPY	(1640 998/6150 :)
RSO	02:01:51	1	N4157	COPY	REMARK:3PC40 :ACHECK
RSO	02:01:51	1	N4157	COPY	(1640 002/N5089:)
RSO	02:01:51	1	N4157	COPY	CONTCT:K920 3PE34; TIMER OFF
RSO	02:01:51	1	N4157	COPY	(1640 998/2573 :)
RSO	02:01:51	1	N4157	COPY	INSERV:ES7
RSO	02:01:51	1	N4157	COPY	(1640 998/6150 :)
RSO	02:01:51	1	N4157	COPY	REMARK:3PC40 :C 0
RSO	02:01:51	1	N4157	COPY	(1641 998/5919 :)
RSO	02:01:51	1	N4157	COPY	ARRIVE:3PC41; AT LITTLE VALLEY X GREENWALD
RSO	02:01:51	1	N4157	COPY	(1642 998/5919 :)
RSO	02:01:51	1	N4157	COPY	ARRIVE:3PC41
RSO	02:01:51	1	N4157	COPY	(1644 002/N5089:)
RSO	02:01:51	1	N4157	COPY	CONTCT:K932; TIMER OFF
RSO	02:01:51	1	N4157	COPY	(1644 002/N5089:)
RSO	02:01:51	1	N4157	COPY	ALERT :K932; AT THEDA NB FROM RIVER; CKG
RSO	02:01:51	1	N4157	COPY	(1645 002/N5089:)
RSO	02:01:51	1	N4157	COPY	CONTCT:3PC40; TIMER OFF
RSO	02:01:51	1	N4157	COPY	(1649 002/N5089:)
RSO	02:01:51	1	N4157	COPY	CONTCT:3PC41; TIMER OFF
RSO	02:01:51	1	N4157	COPY	(1650 002/N5089:)
RSO	02:01:51	1	N4157	COPY	CONTCT:K932; TIMER OFF
RSO	02:01:51	1	N4157	COPY	(1650 998/5579 :)
RSO	02:01:51	1	N4157	COPY	BACKUP:K932 K921
RSO	02:01:51	1	N4157	COPY	(1650 998/5579 :)
RSO	02:01:51	1	N4157	COPY	MDTACK:K921
RSO	02:01:51	1	N4157	COPY	(1650 998/5579 :)
RSO	02:01:51	1	N4157	COPY	ARRIVE:K921
RSO	02:01:51	1	N4157	COPY	(1650 998/5579 :)
RSO	02:01:51	1	N4157	COPY	CONTCT:K921; TIMER OFF
RSO	02:01:51	1	N4157	COPY	(1653 002/N5089:)
RSO	02:01:51	1	N4157	COPY	DISP :K932-R; ASSIGNED TO #PC23104046
RSO	02:01:51	1	N4157	COPY	(1653 998/5919 :)
RSO	02:01:51	1	N4157	COPY	ARRIVE:3PC41; AT GREENWALD X HWY 74
RSO	02:01:51	1	N4157	COPY	(1654 002/N5089:)
RSO	02:01:51	1	N4157	COPY	DISP :3PC41-R; ASSIGNED TO #PC23104046

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RSO	02:01:51	1	N4157	COPY	(1715 998/5345 :)
RSO	02:01:51	1	N4157	COPY	ARRIVE:K944
RSO	02:01:51	1	N4157	COPY	(1716 998/5345 :)
RSO	02:01:51	1	N4157	COPY	CONTCT:K944; TIMER OFF
RSO	02:01:51	1	N4157	COPY	(1722 002/N5089:)
RSO	02:01:51	1	N4157	COPY	ARRIVE:5ES57; TIMER OFF; AT 27450 EAGLE CREST
RSO	02:01:51	1	N4157	COPY	(1722 002/N5089:)
RSO	02:01:51	1	N4157	COPY	ARRIVE:5ES57; TIMER OFF; AT 27403 EAGLE CREST; W SEARCH TEAM
RSO	02:01:51	1	N4157	COPY	(1724 002/N5089:)
RSO	02:01:51	1	N4157	COPY	ARRIVE:3PC40; TIMER OFF; AT STONYHILL RIVER
RSO	02:01:51	1	N4157	COPY	(1728 002/N5089:)
RSO	02:01:51	1	N4157	COPY	ARRIVE:3PE34; TIMER OFF; AT STN
RSO	02:01:51	1	N4157	COPY	(1742 998/5473 :)
RSO	02:01:51	1	N4157	COPY	MDTACK:3PE34
RSO	02:01:51	1	N4157	COPY	(1742 998/5473 :)
RSO	02:01:51	1	N4157	COPY	ENHAN8:3PE34
RSO	02:01:51	1	N4157	COPY	(1742 998/5473 :)
RSO	02:01:51	1	N4157	COPY	ENHAN8:3PE34 3PE34
RSO	02:01:51	1	N4157	COPY	(1756 002/N5089:)
RSO	02:01:51	1	N4157	COPY	REMARK:K944 :K9 ANNOUNCEMENT MADE AROUND CONTAINMENT NEG RESPONSE
RSO	02:01:51	1	N4157	COPY	(1807 998/1674 :)
RSO	02:01:51	1	N4157	COPY	BACKUP:3PC40 4PC44
RSO	02:01:51	1	N4157	COPY	(1807 998/1674 :)
RSO	02:01:51	1	N4157	COPY	MDTACK:4PC44
RSO	02:01:51	1	N4157	COPY	(1812 998/1674 :)
RSO	02:01:51	1	N4157	COPY	ARRIVE:4PC44
RSO	02:01:51	1	N4157	COPY	(1815 998/1674 :)
RSO	02:01:51	1	N4157	COPY	ENHAN8:4PC44
RSO	02:01:51	1	N4157	COPY	(1815 998/1674 :)
RSO	02:01:51	1	N4157	COPY	ENHAN8:4PC44 4PC44
RSO	02:01:51	1	N4157	COPY	(1829 998/5579 :)
RSO	02:01:51	1	N4157	COPY	RELOCE:K921; EAST STONY HILL
RSO	02:01:51	1	N4157	COPY	(1829 998/5579 :)
RSO	02:01:51	1	N4157	COPY	ARRIVE:K921
RSO	02:01:51	1	N4157	COPY	(1829 998/5579 :)
RSO	02:01:51	1	N4157	COPY	CONTCT:K921; TIMER OFF
RSO	02:01:51	1	N4157	COPY	(1832 006/N5970:)
RSO	02:01:51	1	N4157	COPY	REMARK:5ES57 :NEG OPEN WINDOWS
RSO	02:01:51	1	N4157	COPY	(1832 006/N5970:)
RSO	02:01:51	1	N4157	COPY	REMARK:5ES57 :OR DOORS ON THE 3 SIDE
RSO	02:01:51	1	N4157	COPY	(1849 998/6150 :)
RSO	02:01:51	1	N4157	COPY	ENHAN8:3PC40
RSO	02:01:51	1	N4157	COPY	(1849 998/6150 :)
RSO	02:01:51	1	N4157	COPY	ENHAN8:3PC40 3PC40
RSO	02:01:51	1	N4157	COPY	(1905 006/N5970:)
RSO	02:01:51	1	N4157	COPY	DISPAR:K920-R; ASSIGNED TO #PC23104046
RSO	02:01:51	1	N4157	COPY	(1905 006/N5970:)
RSO	02:01:51	1	N4157	COPY	DISPAR:K921-R; ASSIGNED TO #PC23104046
RSO	02:01:51	1	N4157	COPY	(1905 006/N5970:)

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RSO	02:01:51	1	N4157	COPY	DISPAR:K944-R; ASSIGNED TO #PC23104046
RSO	02:01:51	1	N4157	COPY	(1906 006/N5970:)
RSO	02:01:51	1	N4157	COPY	DISPAR:5ES57-R; ASSIGNED TO #PC23104046
RSO	02:01:51	1	N4157	COPY	(1906 006/N5970:)
RSO	02:01:51	1	N4157	COPY	CNTCLR.; INC TIMER OFF
RSO	02:01:51	1	N4157	COPY	(0152 001/N4157:)
RSO	02:01:51	1	N4157	COPY	DISP :3PC47
RSO	02:01:51	1	N4157	COPY	(0152 998/6154 :)
RSO	02:01:51	1	N4157	COPY	MDTACK:3PC47
RSO	02:01:51	1	N4157	COPY	(0153 001/N4157:)
RSO	02:01:51	1	N4157	COPY	INSERV:3PC47
RSO	02:01:51	1	N4157	COPY	(0201 001/N4157:)
RSO	02:01:51	1	N4157	COPY	COPY :COPIED #PC23104039 TO #PC23104046
RSO	02:01:51	1	N4157	COPY	(0201 001/N4157:)
RSO	02:01:51	1	N4157	COPY	COPY ;, , PER PE189
RSO	03:05:16	50	N8046	DISP	1TE64
RSO	03:05:22	998	5600	MDTACK	1TE64
RSO	03:08:27	998	4923	BACKUP	3PC40 PE150
RSO	03:08:30	998	4923	MDTACK	PE150
RSO	03:09:34	998	4923	RELOCA	PE150; AT RIVER RD EOF THEDA ST
RSO	03:16:42	11	N6408	INSERV	SERT22
RSO	03:17:47	11	N6408	CONTCT	PE150; TIMER OFF
RSO	03:43:33	998	6150	ENHAN8	3PC40
RSO	03:43:35	998	6150	ENHAN8	3PC40 3PC40
RSO	03:50:57	5	N7377	ARRIVE	1TE64; TIMER OFF; ON PERR AIR
RSO	04:01:05	998	5600	ENHAN8	1TE64 1TE64
RSO	04:21:35	5	N7377	DISP	1TE65-R; ASSIGNED TO #TE23105013
RSO	04:32:56	3	N7665	DISPAR	1PE31
RSO	04:33:23	3	N7665	CONTCT	1PE31; TIMER OFF
RSO	05:49:31	998	4923	ENHAN8	PE150
RSO	05:50:30	52	N7140	INSERV	5ID13
RSO	05:53:24	998	4923	ENHAN8	PE150 PE150
RSO	05:54:52	242	N3464	INSERV	5ID21
RSO	06:15:30	998	6078	ENHAN8	1PC40
RSO	06:15:32	998	6078	ENHAN8	1PC40 1PC40
RSO	10:00:22	55	N7858	DISP	5ID6; AT STONYHILL
RSO	10:14:53	3	N7779	ARRIVE	5ID6; TIMER OFF
RSO	10:32:32	998	6102	ENHAN8	1PE31 1PE31
RSO	11:25:42	998	4505	ENHAN8	5ES57 5ES57
RSO	11:43:14	3	N7779	DISPAR	ST97
RSO	11:43:21	3	N7779	CONTCT	ST97; IN 10 MINS
RSO	11:49:12	998	2573	INSERV	ES7
RSO	11:54:27	3	N7779	CONTCT	ST97; IN 10 MINS
RSO	12:00:11	3	N7779	INSERV	ST97
RSO	12:43:26	3	N7779	INSERV	5ID6
RSO	12:51:18	2	N6637	DISP	MB273
RSO	12:51:29	3	N7779	98	MB273; CLOSING PRIMARY UNIT - MB273; OFFICER - 4078 ; REPORT TYPE - R
RSO	12:51:29	3	N7779	98	; CLOSURE CODES - 25Z2N

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Oper	Name
1674	THOMAS,DAVID L
1828	CLEAR,WALLACE(12/23)
2573	WALSH,MICHAEL
2807	NACCARATO,RICHARD
2951	ALANIS,MARK
2960	HUBACHEK,SHAWN
3540	CASILLAS,RAFAEL
3665	SANTISTEVAN,JASON
3804	MUSHINSKIE,PATRICK
3870	BIKUL,KASIM
4078	BISHOP,JARRED
4117	CISNEROS,BRENT
4402	SEGURA,WALTER
4505	DEVINE,DAVID
4923	MEISSEN,JARROD S
5190	STALLARD,ANDREW
5222	HUYLER,STEVEN
5345	DAY,SHANE
5402	MCGUIRE,JIMMIE
5579	DUCOEUR,CRYSTAL
5600	CORTEZ,DANIEL
5620	AZIZ,YASMEEN
5919	DELAROSA,RUDY
6078	BELL,ROBERT
6096	BLYTHE,ZACHARY
6102	REGALADO,ALEX
6150	SANCHEZ,JOSE
6192	AVELAR,ALLEN
N2948	ZENIBUKURO,YUKARI
N3464	JOU,JUDY
N4157	SMITH,KELLI
N4478	VARELA,ELENA(12/23)
N5089	SUTTON,MONICA
N5515	MURREY,KIMBERLY
N5565	IBARRA,RINDI
N5872	WHEELER,MARK
N5970	HOLMES,CHRISTINA M
N6020	CARAZA,MICHAEL(07/23)
N6256	SERNA,JOANNA(01/24)
N6350	MERAZ,KIMBERLY
N6408	PASSALACQUA,RACHEL
N6411	GIMPEL,JENNIFER
N6509	DIAZ,AMY
N6637	HERNANDEZ,SIERRA
N6783	BLANSET,ALEXIS
N6799	DE LA MORA, STEPHANIE
N6836	MACIAS,ESMERALDA
N7140	BRINTLE,VICTORIA

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N7234	URIBE,BRITTANY
N7377	WHENNEN,TRAVIS
N7665	KLUNDT,LYNDSAY
N7779	JACKSON,ALYSSA
N7858	BURNARD,CHELSEA
N8046	CLARK,ASIANNA
N8053	VIRAMONTES CAMPOS,DALIA

EXHIBIT 13

EXHIBIT 13



EXHIBIT 14

EXHIBIT 14

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US DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Case No.: 5:2024cv00249

-----x

Llamas,

Plaintiff,

v.

County of Riverside, et al.

Defendants.

-----x

205. Interview. Campbell, C. 041523[COR 000351 -
CONFIDENTIAL]

1

A P P E A R A N C E S

2 Mr. Bishop

3 Mr. Crosson

4 Carolyn Campbell

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1 MR. BISHOP: It's April 15th, 2022, 1201
2 hours. Investigator Bishop and Crosson are at 402
3 Davis Street and Elsinore attempting contact with
4 Carolyn Campbell next of kin to Johnny Llamas.

5 Gets serenaded. Yeah. So the taxi
6 found the truck?

7 MR. CROSSON: Yeah.

8 MR. BISHOP: I'm already on.
9 Hello.

10 MS. CAMPBELL: Hi.

11 MR. BISHOP: Hi, Sheriff's Department.

12 MS. CAMPBELL: Hi.

13 MR. BISHOP: Hi, are you Carolyn?

14 MS. CAMPBELL: Yes.

15 MR. BISHOP: Can we talk to you for a
16 second, ma'am?

17 MS. CAMPBELL: Yeah. Come on in.

18 MR. CROSSON: Okay. Is the dog going to
19 kill us?

20 MS. CAMPBELL: Let me grab my dog. I
21 don't want him to go out, please.

22 MR. BISHOP: Okay. Yeah, grab him.

23 MS. CAMPBELL: Come here. I'm going to
24 spank your butt.

25 MR. CROSSON: Yeah. Get him.

1 MS. CAMPBELL: Yeah. You'll get me.

2 Come on you little brat. Just make sure --

3 MR. CROSSON: It's latched. It's

4 latched here in the middle.

5 MS. CAMPBELL: Thank you.

6 MR. CROSSON: Here we go.

7 MR. BISHOP: It's always the little

8 dogs, huh.

9 MR. CROSSON: Get back there. Get back.

10 You won't --

11 MS. CAMPBELL: (Inaudible.)

12 MR. BISHOP: Here. I'll latch it for

13 you. There we go.

14 You're okay.

15 MR. CROSSON: Okay. So, I'm sorry,

16 Carolyn Campbell?

17 MS. CAMPBELL: Yes.

18 MR. CROSSON: Did you used to live over

19 on Greenwald?

20 MS. CAMPBELL: Yes.

21 MR. CROSSON: Okay. Do you have a son

22 named Johnny?

23 MS. CAMPBELL: Yes.

24 MR. CROSSON: Okay. Can we talk to you

25 about that? Is there someplace we can sit down or

1 is that all we got? Okay. Go ahead. We'll follow
2 you. It's latched.

3 MS. CAMPBELL: Hey, what's going on.

4 MR. BISHOP: Well, he was in a little
5 bit of trouble.

6 MS. CAMPBELL: I had figured that.

7 MR. CROSSON: Yeah. Why is that?

8 MS. CAMPBELL: Because, you know, he
9 doesn't listen to me. We've been fighting because
10 (inaudible), and patrol officer, and, you know
11 (inaudible) life. But he has so many problems. I
12 don't know what it is.

13 MR. CROSSON: What kind of problems?

14 MR. BISHOP: You are okay. Come on.

15 MS. CAMPBELL: Fighting people.
16 Fighting (inaudible) and all kinds of stuff.

17 MR. CROSSON: Come on. When was the
18 last time you saw him?

19 MS. CAMPBELL: A week ago.

20 MR. BISHOP: Carlyne, would you mind if
21 we just turn the volume on the TV down? I'm having
22 a hard time hearing you if you don't mind. Yeah.

23 MR. CROSSON: Is this right here?

24 MS. CAMPBELL: I got it right here.

25 MR. BISHOP: Okay. Thank you very much.

1 I have a -- I have a hearing problem, so it's hard
2 for me to hear if I have --

3 MS. CAMPBELL: I do. (Inaudible). Okay
4 --

5 MR. CROSSON: Okay. So I'm sorry, you
6 said you saw him about a week ago?

7 MS. CAMPBELL: Yeah.

8 MR. CROSSON: And what was going on with
9 him then? What did he say?

10 MS. CAMPBELL: Well, it just -- he
11 looked skinny. He just looked like he had been
12 having a lot of problems.

13 MR. CROSSON: Yeah.

14 MS. CAMPBELL: And, I guess, he has so
15 many problems.

16 MR. CROSSON: Oh, really? Do you know
17 if he had like -- has like a drug problem or
18 anything?

19 MS. CAMPBELL: No, not that I know of.

20 MR. CROSSON: No, you don't know whether
21 he uses drugs?

22 MS. CAMPBELL: He don't even drink.

23 MR. CROSSON: Oh, really?

24 MS. CAMPBELL: Mm-hmm.

25 MR. CROSSON: Okay. So apparently he

1 had some warrants for his arrest, you know, do you
2 know anything about that?

3 MS. CAMPBELL: Yeah. He was accused of
4 molesting his niece or something like that.

5 MR. CROSSON: Oh, really?

6 MS. CAMPBELL: And he was supposed to go
7 to check in or something like that. And it -- I
8 guess he just was scared that if he went in that
9 they would automatically -- she said something.

10 MR. CROSSON: Oh, okay.

11 MS. CAMPBELL: You know, that it would
12 automatically just be bad on him.

13 MR. CROSSON: Is that a niece on your
14 side of the family?

15 MS. CAMPBELL: Yes.

16 MR. CROSSON: How old was she?

17 MS. CAMPBELL: Granddaughter. Thirteen.

18 MR. CROSSON: Thirteen. All right. How
19 old is Johnny?

20 MS. CAMPBELL: Thirty-four.

21 MR. CROSSON: Okay.

22 MR. BISHOP: I just want to make sure.
23 This is one of Johnny's old booking photos, but this
24 is -- this is your son, correct?

25 MS. CAMPBELL: Yeah.

1 MR. BISHOP: Okay. All right. I just
2 want to make sure we're talking about the right
3 person.

4 MR. CROSSON: Does he go by any other
5 names?

6 MS. CAMPBELL: No.

7 MR. CROSSON: Does anybody call him Jay?

8 MS. CAMPBELL: No.

9 MR. CROSSON: Nothing that you're aware
10 of?

11 MS. CAMPBELL: Not that I know of. But
12 he is been out there doing his own thing. I don't
13 want to know nothing that's going on in his life or
14 --

15 MR. CROSSON: You don't want to know?

16 MS. CAMPBELL: I don't want to know.

17 MR. CROSSON: You just don't want to be
18 involved with what is going on?

19 MS. CAMPBELL: I don't want to be
20 involved. I don't know what's going on. I love him
21 to death, you know.

22 MR. CROSSON: That's your son, right?

23 MS. CAMPBELL: I just -- I don't know
24 what I can do for him because he's always mad at me
25 because I always --

1 MR. CROSSON: Yeah.

2 MS. CAMPBELL: Tell him, you know --
3 like he can walk out with a glass and I tell him,
4 Johnny, you know, don't walk off with my glasses, my
5 forks, and before you know it, I'm not going to have
6 nothing, you know. So -- and that's real -- you
7 know, really what it basically is. But you he tries
8 -- he really does try.

9 MR. CROSSON: Mm-hmm.

10 MS. CAMPBELL: (Inaudible) his foot on
11 the right path, but it just doesn't need to get out
12 here.

13 MR. CROSSON: Yeah. Does he have a
14 girlfriend?

15 MS. CAMPBELL: Yes.

16 MR. CROSSON: Who is it? Do you know --
17 do you know her?

18 MS. CAMPBELL: I don't know her.

19 MR. CROSSON: Have you seen her?

20 MS. CAMPBELL: Well, he's had a few
21 girlfriends actually.

22 MR. CROSSON: No. Recent girlfriends, I
23 guess.

24 MS. CAMPBELL: Well, I heard -- I
25 haven't met her, but I heard there's -- she's black

1 or something.

2 MR. CROSSON: Okay.

3 MS. CAMPBELL: Black.

4 MR. CROSSON: You don't know her name
5 though?

6 MS. CAMPBELL: Um-um (negative).

7 MR. CROSSON: No. Any other other
8 questions?

9 MR. BISHOP: No.

10 MR. CROSSON: Ma'am, I'm going to give
11 you my card and then, let you know what I'm doing.
12 Okay? I'm an investigator with the District
13 Attorney's office.

14 MS. CAMPBELL: Uh-huh (affirmative).

15 MR. CROSSON: Okay? And we investigate
16 officer-involved shootings. All right? So your son
17 was involved with an incident with the Riverside
18 County Sheriff's last night, and I'm sorry to tell
19 you that he was shot and killed.

20 MS. CAMPBELL: No.

21 MR. CROSSON: Okay. I'm sorry. That's
22 why we --

23 MS. CAMPBELL: No, don't say that.
24 Please don't say that.

25 MR. CROSSON: I'm sorry, ma'am. I'm

1 very sorry. That's why we showed you the picture to
2 make sure you were talking to the right person.

3 MR. BISHOP: It's true, ma'am. We're
4 very sorry.

5 MS. CAMPBELL: So why are you guys
6 coming here and talking like this and all of a
7 sudden tell me my son is dead? (Inaudible.)

8 MR. CROSSON: You can contact the
9 coroner. We can give you all the information you
10 need.

11 MS. CAMPBELL: Oh my God.

12 MR. CROSSON: If you want, ma'am, I can
13 write down that information on the back of my card
14 so that you have the numbers you need. And if you
15 need anything at all, you can call me -- you can
16 call me and I'm -- I'll be willing to help you.

17 MS. CAMPBELL: What happened? What
18 happened with him.

19 MR. CROSSON: I can't give you all the
20 details, okay? I can just tell you that.

21 MS. CAMPBELL: Stop, baby. Stop.

22 MR. CROSSON: (Inaudible) upset. So --

23 MS. CAMPBELL: He's dead. He's dead.

24 MR. CROSSON: Yeah. I'm sorry, ma'am.

25 And --

1 MR. BISHOP: Because he was --

2 MS. CAMPBELL: What happened? What
3 happened.

4 MR. CROSSON: The basic information --

5 MS. CAMPBELL: Stop. Okay. Stop.

6 MR. CROSSON: It's okay. It's okay.

7 MR. BISHOP: You're okay, (inaudible).

8 MS. CAMPBELL: Come here.

9 MR. BISHOP: You're okay.

10 MR. CROSSON: Put the dog out and close
11 the door.

12 MS. CAMPBELL: No, you stop barking.
13 Come on. Come on, baby. He is dead, huh? No, he
14 can't be.

15 MR. CROSSON: He had -- he knew about
16 the warrants that he had, right?

17 MS. CAMPBELL: I didn't know about any
18 warrant. I know --

19 MR. CROSSON: (Crosstalks) us there was
20 one incident. Okay? But he had multiple warrants
21 for his arrest, and he tried to -- he went on a
22 pursuit with the police and --

23 MS. CAMPBELL: Oh.

24 MR. CROSSON: -- and at the end of the
25 -- and at the end of that pursuit, unfortunately, he

1 ended up being shot and killed. Okay? And that was
2 last night.

3 MS. CAMPBELL: How many times he was
4 shot.

5 MR. CROSSON: I don't know, ma'am.

6 MS. CAMPBELL: You don't know.

7 MR. CROSSON: I don't know that. I
8 don't have that information.

9 MS. CAMPBELL: I need to go see him.

10 MR. CROSSON: Okay. Well, let me write
11 it down.

12 MR. BISHOP: I got you.

13 MR. CROSSON: Oh, you got it already?

14 MR. BISHOP: Yeah.

15 MR. CROSSON: Well, here's my -- keep my
16 card, and like I said, I know -- I know you're upset
17 and I get it. But the reason we're here is because
18 we investigate the actions of the officers involved
19 in the shooting, okay? We're not investigating your
20 son, we're investigating the officers, okay? So if
21 you need something, you give me a call and I'll
22 answer any questions I can. And he's going to give
23 you the information from the coroner's office. Is
24 there somebody we could call for you to come with --
25 come over here for you?

1 MS. CAMPBELL: No.

2 MR. CROSSON: To be with you right now,
3 is there somebody that can help you with this?

4 MS. CAMPBELL: No. How do I go see him?
5 What do I do.

6 MR. BISHOP: Carolyn, let me explain the
7 process to you a little bit, okay?

8 MS. CAMPBELL: I need to go see him.

9 MR. BISHOP: That's --

10 MS. CAMPBELL: I need to go see him.

11 MR. BISHOP: That's not a possibility
12 right this second, okay? That --

13 MS. CAMPBELL: Oh God, I wish he
14 would've (inaudible) what he's done or whatever.
15 Oh, what -- they chased him, or what happened.

16 MR. BISHOP: Well, he ran from the
17 deputies. They were trying to arrest him for his
18 warrant, and he ran from the deputies. Okay. A
19 sheriff's department K9, one of the -- one of the
20 dogs was shot and killed during that incident as
21 well.

22 MS. CAMPBELL: Oh.

23 MR. BISHOP: Okay?

24 MS. CAMPBELL: Is this real? This isn't
25 real, is it.

1 MR. BISHOP: It's very -- it's very
2 much, unfortunately, it is, or we would not be doing
3 this to you unless we were -- unless we would not do
4 this to you unless it was real.

5 MS. CAMPBELL: Oh, my God. Well, he
6 never made it to straighten out, did he? I was
7 hoping he would.

8 MR. BISHOP: As every mom would.

9 MS. CAMPBELL: Oh my God. When can I
10 see? What do I do (inaudible).

11 MR. BISHOP: I'm going to give you --
12 let me show you this card right here, okay?

13 MS. CAMPBELL: Okay.

14 MR. BISHOP: So, right -- this is my
15 card, on the back here is the number for the
16 coroner's office, okay? This is the coroner's case
17 number, okay? So what's going to happen is -- I'll
18 let you have this. What's going to happen is,
19 there's going to be an autopsy conducted on Tuesday,
20 okay? Because we need to obviously know, just like
21 you want to know how many times he was hit and
22 things like that, okay?

23 MS. CAMPBELL: But I can't just go -- I
24 can't go get my kiss or nothing right now. I can't
25 --

1 MR. BISHOP: You can't right now.

2 MR. CROSSON: They would let you view on
3 afterwards.

4 MS. CAMPBELL: Would I have to wait
5 until Tuesday.

6 MR. BISHOP: Well, what will happen is
7 -- so you can't -- the coroner's office will not let
8 you go into the coroner's office to do a viewing,
9 okay? So what's going to have to happen is that
10 you're going to need to make arrangements with a
11 mortuary or contact our coroner's office and they
12 will help --

13 MS. CAMPBELL: I don't have any money.
14 What do I do.

15 MR. BISHOP: They'll help you out with
16 that. You just need to call them, okay?

17 MS. CAMPBELL: Okay.

18 MR. BISHOP: And they will -- they will
19 help you out with that, okay? Once a mortuary picks
20 him up, you are more than free to go -- go see him
21 and things like that. They just -- because of COVID
22 and everything else, they won't let anybody into the
23 coroner's office right now, okay? So what I'll tell
24 you is, on Monday, just try to give them a call,
25 okay?

1 MS. CAMPBELL: Today's only Saturday. I
2 have to wait that long. I mean, I want to -- I want
3 to see him.

4 MR. CROSSON: I'm sorry.

5 MR. BISHOP: I know, ma'am. It's just
6 --

7 MR. CROSSON: You can call them and at
8 least try and get -- you know, get some information
9 from them. They can inform you better on what's
10 going to happen, you know, once they're done with
11 the autopsy. And like I said, if there's somebody
12 we can call for you to help you with this, we're
13 more than happy to do that.

14 MR. BISHOP: Is there -- do you have any
15 -- do you have any family in the area or anything
16 like that?

17 MS. CAMPBELL: No, I'll be all right.

18 MR. BISHOP: Would you like to call us?
19 We can call a counselor, or, you know, a pastor or
20 something like that if you'd like.

21 MS. CAMPBELL: I was (inaudible) this
22 would never happen because, you know, there's so
23 many people that don't get -- they don't get along
24 together, and I was worried about -- never from the
25 sheriff.

1 MR. BISHOP: Yeah. It was very
2 unfortunate what happened? Like my partner said,
3 we're -- our job is to investigate the deputies.

4 MS. CAMPBELL: What time did this all
5 happen? Do you know.

6 MR. CROSSON: This was last night before
7 dark.

8 MS. CAMPBELL: Like what -- what time?
9 8:00. What --

10 MR. CROSSON: Like 7:00, maybe?

11 MR. BISHOP: Yeah, it was about 7:30
12 last night.

13 MS. CAMPBELL: And where was this at.

14 MR. BISHOP: Over in Meadowbrook.

15 MS. CAMPBELL: Oh, in Meadowbrook.

16 MR. CROSSON: Mm-hmm.

17 MR. BISHOP: What does -- does he have
18 people over there or does he associate over in
19 Meadowbrook? Because it was close to where you used
20 to live?

21 MS. CAMPBELL: Yeah, he knows a lot of
22 people over there. We were -- he -- I got him there
23 in '89.

24 MR. BISHOP: Okay.

25 MR. CROSSON: Where was he living?

1 Where was he living before? Where was he living?

2 MS. CAMPBELL: All over.

3 MR. CROSSON: He didn't have a

4 (inaudible).

5 MS. CAMPBELL: Well, he had a place and
6 then somebody could rob him or --

7 MR. BISHOP: Okay.

8 MS. CAMPBELL: Something, you know, he'd
9 leave that place and he'd go somewhere. I never
10 knew where he was at.

11 MR. CROSSON: But lately -- but lately
12 he didn't have a residence.

13 MS. CAMPBELL: No.

14 MR. CROSSON: Okay.

15 MR. BISHOP: It was -- it was over by
16 the backside of the lake off of River.

17 MS. CAMPBELL: By River.

18 MR. BISHOP: Yeah.

19 MS. CAMPBELL: Oh, okay -- okay.

20 MR. BISHOP: So yeah, the entire -- the
21 entire situation's unfortunate, like I said, as --

22 MS. CAMPBELL: And what's your name?
23 Jared.

24 MR. BISHOP: Yes, ma'am.

25 MS. CAMPBELL: And yours? Just, this

1 one right here.

2 MR. CROSSON: Eric Crosson. Yeah,.

3 MS. CAMPBELL: That is -- that's --

4 doesn't say that here.

5 MR. CROSSON: It is not right there.

6 MS. CAMPBELL: This says, Michael.

7 MR. BISHOP: No, that's --

8 MR. CROSSON: (Crosstalks.)

9 MR. BISHOP: In the middle.

10 MS. CAMPBELL: Okay.

11 MR. CROSSON: Michael's my boss.

12 MS. CAMPBELL: Okay. All right guys.

13 MR. CROSSON: Okay.

14 MR. BISHOP: I think Eric's cell phone
15 number is on there. My cell phone's number is on
16 there. If we leave and you have any questions, you
17 can give us -- give us a call. We're going to be
18 working all day today and all day tomorrow, okay?
19 Again, is there anything that we can do for you
20 right now?

21 MS. CAMPBELL: No.

22 MR. BISHOP: I had -- we had to drop
23 this news on you and just leave, but we had -- we
24 had to let you know.

25 MS. CAMPBELL: Okay. Probably let me

1 call my daughter and my sisters, so --

2 MR. BISHOP: Okay.

3 MR. CROSSON: All right. Once again --

4 MS. CAMPBELL: (Inaudible.)

5 MR. CROSSON: I won't. If you need
6 something though, you just give us a call, okay?
7 We're very sorry, ma'am.

8 MS. CAMPBELL: It's all right.

9 MR. BISHOP: Okay.

10 MR. CROSSON: Come and lock up your
11 door.

12 MR. BISHOP: 12:14.

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EXHIBIT 15

EXHIBIT 15

Policy
300

Riverside County Sheriff's Department
Riverside County Sheriff's Department Standards Manual (DSM)

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

Retaliation prohibitions for reporting suspected violations are addressed in the Anti-Retaliation Policy.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the deputy or another person (Government Code § 7286(a)).

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Serious bodily injury - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

Totality of the circumstances - All facts known to the deputy at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Deputies are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

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The department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE

Any deputy present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable deputy under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286) to prevent the use of unreasonable force.

When observing force used by a law enforcement officer, each deputy should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)).

300.2.2 FAILURE TO INTERCEDE

A deputy who has received the required training on the duty to intercede and then fails to act to intercede when required by law, may be disciplined in the same manner as the deputy who used force beyond that which is necessary (Government Code § 7286(b)).

300.3 USE OF FORCE

Deputies shall use only that amount of force that is objectively reasonable given the facts and totality of the circumstances known to or perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that is objectively reasonable in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Deputies may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the approved or authorized tools, weapons, or methods provided by the Department. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to accomplish a legitimate law enforcement purpose.

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While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer (Penal Code § 835a).
- (e) The effects of drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

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- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers should only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.4 CAROTID CONTROL HOLD

Effective June 10, 2020, the Carotid Restraint Control Hold is no longer an authorized force option for members of the department.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Deputies should consider the severity of the crime and the value of retrieving the evidence against the force needed to retrieve it.

300.3.6 USE OF FORCE AGAINST A VICIOUS ANIMAL

The reasonable use of force against a dangerous or vicious animal is authorized. When encountering a vicious animal, department members shall, when possible:

- (a) Request Animal Control officials;
- (b) Avoid the animal;
- (c) Secure or isolate the animal;
- (d) Attempt to find the owner;
- (e) Use the lowest level of force given the threat presented.

300.3.7 EUTHANIZATION OF INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are

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impractical (Penal Code § 597.1(e)). Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

300.3.8 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Deputies of this department are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).

300.3.9 ADDITIONAL RESTRICTIONS

Terms such as "positional asphyxia," "restraint asphyxia," and "excited delirium" continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence, or pre-existing medical conditions. While it is impractical to restrict a deputy's use of reasonable control methods when attempting to restrain a combative individual, deputies are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once controlled, the individual should be placed into a recovery position (e.g., supine or seated) and monitored for signs of medical distress (Government Code § 7286.5).

300.4 DEADLY FORCE APPLICATIONS

Where feasible, the deputy shall, prior to the use of deadly force, make reasonable efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts (Penal Code 835a(5)(c)(1)(B)).

If an objectively reasonable deputy would consider it safe and feasible to do so under the totality of the circumstances, deputies shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, deputies should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force is only justified when the deputy reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

- (a) A deputy may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the deputy or another person.
- (b) A deputy may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the deputy reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

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Deputies shall not use deadly force against a person based on the danger that person poses to him/herself, if an objectively reasonable deputy would believe the person does not pose an imminent threat of death or serious bodily injury to the deputy or to another person (Penal Code § 835a).

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable deputy in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the deputy or another person. A deputy's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Deputies should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies shall not shoot at any part of a vehicle in an attempt to disable the vehicle, except as described above.

300.4.2 WARNING SHOTS

The firing of warning or attention shots into the air, ground or any other medium is strictly prohibited.

300.5 MEDICAL ATTENTION

As soon as it is safe to do so, medical assistance shall be summoned for or applied to, by deputies at the scene, any person who has sustained visible injury, expressed a complaint of pain, or who has been rendered unconscious. Any person exhibiting signs of physical distress after an encounter should be continuously monitored until they can be medically assessed.

Based on the initial member's assessment of the nature and extent of the person's injuries, the appropriate medical assistance required here may consist of examination by fire personnel, paramedics, hospital staff, or medical staff at the jail. If any such person refuses medical attention, it shall be fully documented in related reports and, whenever practicable, should be witnessed by another member and/or medical personnel. If a recording is made of the contact or interview with the person, any refusal should be included in the recording, if possible.

The on-scene supervisor or a deputy shall inform attending medical personnel the person was subjected to force, and shall include a description of the force used and any other circumstances the member reasonably believes would present potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

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Persons who exhibit extreme agitation and/or violent, irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and impervious to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple members to be brought under control, may be at an increased risk of sudden death. Members who reasonably suspect a medical emergency shall request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.6 DEPARTMENT MEMBER RESPONSIBILITIES

All department members are expected to promptly notify their supervisor of a use-of-force incident as soon as it is safe to do so. Deputies shall do the following consistent with the Risk Management Policy and the Use of Force Reporting:

- (a) Complete use-of-force paperwork and thoroughly document the incident prior to EOW, absent extenuating circumstances. Reports may only be held with permission from the supervisor overseeing the collection of documentation for the incident.
- (b) Attempt to obtain a thorough recorded interview with the suspect. The interview shall establish:
 1. Violations of law
 2. Explanation as to why the suspect resisted.
 3. Details of commands given to the suspect
 4. Knowledge that the department member was identified or identifiable as law enforcement
 5. Use of drugs or alcohol
 6. Attempts to cause injury or resistance likely to cause injury
 7. Attempts to resist, delay, obstruct
- (c) Identify witnesses and conduct recorded interviews. The interviews shall establish:
 1. Observation of the suspect's behavior before the use-of-force
 2. Observation of the use-of-force
 3. Observation of the suspect's actions resulting in a use-of-force
 4. Observation of the department member's verbal commands
 5. Observation of the department member's attire (were they readily identifiable as law enforcement)
 6. Observation of the suspect's behavior toward the department member
 7. Observation of the suspect's use of drugs or alcohol
- (d) Identify and collect evidence to include taking digital photographs of the scene, involved department members, and suspects. Photographs should include:
 1. Overall photographs of involved department members (front, back, left, right)
 2. Photographs of any items of physical evidence

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3. Overall photographs of the scene
 4. Close up photographs of injuries
 5. Overall photographs of the suspect (front, back, left, right)
- (e) Canvass area for video surveillance from residences and/or businesses in the vicinity of the incident.
 - (f) Evaluate the suspect for drug and alcohol use, consider relevant related charges and the need for a blood or urine sample.
 - (g) Advise a supervisor if the incident involved a significant use-of-force or caused significant injury to either the suspect or department member. Dependent upon the situation and severity of injury a supervisor may consider treating the department member as a victim and assign uninvolved personnel to investigate and transport the suspect.
 - (h) Book body worn camera footage from all department members who respond to the scene. Footage shall be booked before EOW, unless permission to delay is granted by a supervisor due to extenuating circumstances.
 - (i) File all relevant related charges, which led the department member to contact the suspect, and to ultimately use force.
 - (j) File all relevant charges related to crimes against peace officers (148 PC, 69 PC, 243(b) PC).
 - (k) Conduct additional follow-up, as instructed by a supervisor or by the CAPO Unit.

300.7 SUPERVISOR RESPONSIBILITIES

When available, supervisors shall respond to calls when they reasonably believe there is a likelihood force may be used, or when possessing knowledge that force was used. Supervisors shall respond to all deadly force incidents.

Upon a supervisor's arrival, they shall assess the circumstances, take command of the scene if necessary, expand or reduce resources as necessary, direct personnel actions, and later review each incident to insure compliance with department policy and the law. Other actions shall include:

- (a) Ensure medical attention is promptly provided to both department members and suspects.
- (b) Ensure a thorough interview of the suspect is attempted and recorded.
- (c) In the event the suspect invokes Miranda Rights, attempt to conduct a civil/risk management interview with the suspect.
 1. Civil interviews may only be recorded with the knowledge of the suspect.
 2. BWC recordings and/or audio recordings of a civil interview shall be uploaded in LEFTA and labeled as a "Civil Interview."
 - (a) In the event a BWC recording is not available, the civil interview shall be documented in an Intra-Department Memorandum and forwarded to PSB.

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- (d) Ensure all witnesses are identified and recorded interviews are completed.
- (e) Ensure the area is canvassed for video surveillance from residences and businesses, if possible.
- (f) Ensure the scene, department members, and suspects are photographed. See deputy responsibilities for details.
- (g) Evaluate the need for Forensics to respond due to either the nature of the incident or the nature of the injuries sustained.
- (h) Dependent upon the situation and severity of injury to department member consider treating the department member as a victim and assign uninvolved personnel to investigate and transport the suspect.
- (i) Consider the need for an immediate notification and/or response from station investigations, PSB Civil/CAPO, and the Force Investigation Detail when the following factors are present:
 - 1. Significant force/injuries
 - 2. Social media or media attention highly likely
 - 3. High profile case and/or suspect
- (j) Ensure all use-of-force paperwork and initial and supplemental reports are completed by EOW (unless extenuating circumstances exist).
- (k) Ensure all personnel on-scene book their body worn camera footage as evidence by EOW.
- (l) Watch all body worn camera footage prior to approving initial and supplemental reports.
- (m) The use-of-force packet and review of reports should be handled by the supervisor most knowledgeable about the incident. Establish a primary sergeant who will be responsible for reviewing all use-of-force reports, crime reports, and body worn camera footage. There may be times when extenuating circumstances make this impractical, but reasonable attempts should be made to ensure continuity in the review process.
- (n) Ensure Internal Force Number (IFN) has been assigned by Dispatch and references the original file number.
- (o) Notify Facility/Station/Bureau administration of the incident and follow any additional direction provided.
- (p) **Email PSBAdmin@riversidesheriff.org before EOW and provide the file number, Incident Force Number, and include a working copy of the initial report with full block-out information for all suspects, witnesses, and others. No other summary or outline is needed.**

300.8 DISPATCH RESPONSIBILITIES

Dispatch personnel shall be responsible for the following actions following a use of force:

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- (a) Assign Internal Force Number (IFN) when use of force occurs. Qualifying indicators include:
1. Department member reporting a use of force
 2. Request for back up when a suspect is becoming "physical."
 3. Supervisor or deputy requests IFN
 4. Request for "medical" or AMR due to an injury resulting from a use-of-force
 5. Perceived use-of-force based on radio traffic

When an IFN is generated, Dispatch shall notify the watch commander. The original file number and IFN shall be referenced in each file. Dispatch personnel may not cancel or purge an IFN believed to be pulled in error. The PSB will review an IFN and determine if the file number should be cancelled.

300.9 REPORTING THE USE OF FORCE

Department members who are involved in a use of force incident, shall report it to a supervisor as soon as possible. Any department member who has knowledge of an unreported use of force shall report it to a supervisor as soon as possible.

Any use of force by a member of this department shall also be documented promptly, completely and accurately in an appropriate report. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the department may require the completion of additional report forms, as specified in department policy, procedure or law.

300.10 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)).

300.11 POLICY REVIEW

The Sheriff or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

300.12 POLICY AVAILABILITY

The Sheriff or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

300.13 PUBLIC RECORDS REQUESTS

Requests for public records involving a deputy's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).

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300.14 TRAINING RESTRICTION

The Sheriff, or designee, is responsible for establishing a process to identify deputies who are restricted from training other deputies for the time period specified by law because of a sustained use of force complaint (Government Code section 7286(b)).

EXHIBIT 16

EXHIBIT 16

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CAROLYN CAMPBELL

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

S.L., a minor by and through the Guardian
Ad Litem Kristine Llamas Leyva,
individually and as successor-in-interest to
JOHNNY RAY LLAMAS, deceased;
V.L., by and through the Guardian Ad
Litem Amber Snetsinger, individually and
as successor-in-interest to JOHNNY RAY
LLAMAS, deceased; and CAROLYN
CAMPBELL, individually,

Plaintiffs,

vs.

COUNTY OF RIVERSIDE; SHAWN
HUBACHEK; JIMMIE MCGUIRE; and
DOES 3-10, inclusive,

Defendants.

FIRST AMENDED COMPLAINT

1. Fourth Amendment – Excessive Force (42 U.S.C. § 1983)
2. Fourth Amendment – Denial of Medical Care (42 U.S.C. § 1983)
3. Fourteenth Amendment – Interference with Familial Relationship (42 U.S.C. § 1983)
4. Municipal Liability – Unconstitutional Custom, Policy, or Practice (42 U.S.C. § 1983)
5. Municipal Liability – Failure to Train (42 U.S.C. § 1983)
6. Battery (Survival and Wrongful Death)
7. Negligence (Survival and Wrongful Death)
8. Violation of Bane Act (Cal. Civil Code § 52.1)

DEMAND FOR JURY TRIAL

1 **COMPLAINT FOR DAMAGES**

2 S.L., a minor, by and through the guardian *ad litem* Kristine Llamas Leyva,
3 individually and as successor-in-interest to JOHNNY RAY LLAMAS, deceased; V.L., a
4 minor, by and through the guardian *ad litem* Amber Snetsinger, individually and as
5 successor-in-interest to JOHNNY RAY LLAMAS, deceased; and CAROLYN
6 CAMPBELL, individually, for their Complaint against Defendants COUNTY OF
7 RIVERSIDE; SHAWN HUBACHECK; JIMMIE MCGUIRE and DOES 3-10, inclusive,
8 allege as follows:

9 **JURISDICTION AND VENUE**

10 1. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and
11 1343(a)(3)-(4) because Plaintiffs assert claims arising under the laws of the United States
12 including 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments of the United
13 States Constitution. This Court has supplemental jurisdiction over Plaintiffs' claims
14 arising under state law pursuant to 28 U.S.C. § 1367(a), because those claims are so
15 related to the federal claims that they form part of the same case or controversy under
16 Article III of the United States Constitution.

17 2. Venue is proper in this Court under 28 U.S.C. §1391(b), because Defendants
18 reside in this district and all incidents, events, and occurrences giving rise to this action
19 occurred in this district.

20 **INTRODUCTION**

21 3. This civil rights and state tort action seeks compensatory and punitive
22 damages from Defendants for violating various rights under the United States
23 Constitution and state law in connection with the fatal officer shooting of JOHNNY RAY
24 LLAMAS on April 14, 2023.

25 **PARTIES**

26 4. At all relevant times, Decedent JOHNNY RAY LLAMAS ("DECEDENT")
27 was an individual residing in the County of Riverside, California.

28 ///

1 5. Plaintiff S.L. is a citizen of the United States residing in the County of
2 Riverside, California, and is the natural minor child of DECEDENT. Plaintiff S.L. sues
3 both in their individual capacity as the minor child of DECEDENT and in a
4 representative capacity as a successor-in-interest to DECEDENT pursuant to California
5 Code of Civil Procedure §§ 377.30 and 377.60. Plaintiff S.L. seeks both survival and
6 wrongful death damages under federal and state law.

7 6. Plaintiff V.L. is a citizen of the United States residing in the County of
8 Riverside, California, and is the natural minor child of DECEDENT. Plaintiff V.L. sues
9 both in their individual capacity as the minor child of DECEDENT and in a
10 representative capacity as a successor-in-interest to DECEDENT pursuant to California
11 Code of Civil Procedure §§ 377.30 and 377.60. Plaintiff V.L. seeks both survival and
12 wrongful death damages under federal and state law.

13 7. Plaintiff CAROLYN CAMPBELL is an individual residing in the County of
14 Riverside, California. CAROLYN CAMPBELL is the natural mother of DECEDENT
15 and sues in her individual capacity. CAROLYN CAMPBELL seeks wrongful death
16 damages, compensatory damages, and punitive damages under federal and state law.

17 8. Plaintiffs S.L., V.L., and CAROLYN CAMPBELL were dependent upon
18 DECEDENT at the time of DECEDENT's death for the necessities of life, including but
19 not limited to support that aided plaintiffs in obtaining the things, such as shelter,
20 clothing, food, and medical treatment, which one cannot and should not do without.

21 9. At all relevant times, Defendant COUNTY OF RIVERSIDE ("COUNTY")
22 was and is a public entity duly organized and existing as such under the laws of the State
23 of California. COUNTY is responsible for the actions, omissions, policies, procedures,
24 practices, and customs of its various agents and agencies, including the Riverside County
25 Sheriff's Department ("RCSD") and its agents and employees. At all relevant times,
26 Defendant COUNTY is and was responsible for assuring that the actions, omissions,
27 policies, procedures, practices, and customs of the RCSD and its agents and employees
28 complied with the laws of the United States and of the State of California.

1 10. At all relevant times, Defendants SHAWN HUBACHEK, JIMMIE
2 MCGUIRE, and DOES 3-10 were duly appointed by COUNTY as RCSD deputies and
3 employees or agents of COUNTY, subject to oversight and supervision by COUNTY's
4 elected and non-elected officials. At all relevant times, Defendants SHAWN
5 HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 acted under color of law, including
6 under color of the statutes, ordinances, regulations, policies, customs, and usages of
7 Defendant COUNTY and the RCSD, and under color of the statutes and regulations of
8 the State of California. At all relevant times, Defendants SHAWN HUBACHEK,
9 JIMMIE MCGUIRE, and DOES 3-10 acted within the course and scope of their
10 employment with COUNTY and the RCSD.

11 11. In doing the acts and failing and omitting to act as hereinafter described,
12 Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 were acting
13 on the implied and actual permission and consent of Defendant COUNTY.

14 12. Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10
15 are sued in their individual capacities.

16 13. The true names and capacities of DOES 3-10 are unknown to Plaintiffs, who
17 otherwise sue these Defendants by such fictitious names. Plaintiffs will seek leave to
18 amend this Complaint to show the true names and capacities of these Defendants when
19 they have been ascertained. Each of the fictitiously named Defendants is responsible in
20 some manner for the conduct or liabilities alleged herein.

21 14. At all times herein mentioned, each and every defendant was the agent of
22 each and every other defendant and had the legal duty to oversee and supervise the hiring,
23 conduct, employment and discipline of each and every other defendant

24 15. All of the acts complained of herein by Plaintiffs against Defendants were
25 done and performed by said Defendants by and through their authorized agents, servants,
26 and/or employees, all of whom at all relevant times herein were acting within the course,
27 purpose, and scope of said agency, service, and/or employment capacity. Moreover,
28 Defendants and their agents ratified all of the acts complained of herein.

1 16. Defendants, and each of them, did the acts and omissions hereinafter alleged
2 in bad faith and with knowledge that their conduct violated well established and settled
3 law.

4 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

5 17. Plaintiffs refer to and replead each and every allegation contained in the
6 foregoing paragraphs of this Complaint with the same force and effect as if fully set forth
7 herein.

8 18. The incidents complained of occurred at or near the 22,000 block of River
9 Road, in the unincorporated area of Perris, known as Meadowbrook, County of Riverside,
10 State of California.

11 19. On April 14, 2023, at approximately 4:45 p.m., JOHNNY RAY LLAMAS
12 was encountered by Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and
13 DOES 3-10.

14 20. On information and belief, JOHNNY RAY LLAMAS had not committed
15 any crime and Defendants had no information that JOHNNY RAY LLAMAS had
16 committed a felony.

17 21. At all relevant times, JOHNNY RAY LLAMS posed no imminent threat of
18 death or serious physical injury to defendants, or to any other person.

19 22. Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10
20 used excessive force upon JOHNNY RAY LLAMAS by, among other things, shooting
21 JOHNNY RAY LLAMAS in the back, and by shooting JOHNNY RAY LLAMAS again
22 after he had fallen to the ground after being shot in the back.

23 23. At the time Defendants fired these shots at JOHNNY RAY LLAMAS,
24 JOHNNY RAY LLAMAS posed no imminent or immediate threat of death or serious
25 bodily harm to Defendants or to anyone else.

26 24. Because the Defendants had JOHNNY RAY LLAMAS outnumbered and
27 surrounded, and because JOHNNY RAY LLAMAS was compliant and did not pose an
28 imminent threat of death or serious physical injury to the officers or anyone else,

Defendants could have and should have communicated with JOHNNY RAY LLAMAS in effort to deescalate, rather than escalate, the situation.

25. Defendants used excessive force upon JOHNNY RAY LLAMAS by, among other things, use of their firearms. Even though the officers outnumbered JOHNNY RAY LLAMAS, even though the officers had control of JOHNNY RAY LLAMAS, even though JOHNNY RAY LLAMAS was compliant with the officers' commands, and even though the officers had far less harmful means of interacting with JOHNNY RAY LLAMAS at their disposal, Defendants failed and refused to communicate with JOHNNY RAY LLAMAS, and instead, without any justification or good cause, Defendants shot and killed JOHNNY RAY LLAMAS.

26. Defendants used excessive force upon JOHNNY RAY LLAMAS by escalating this incident to the point where deadly force was used.

27. The search and seizure and the use of deadly force was excessive and objectively unreasonable under the circumstances. The escalation of the incident and use of deadly force by Defendants demonstrated a deliberate indifference to the health and safety of JOHNNY RAY LLAMAS that shocks the conscience.

28. On information and belief, despite having knowledge that JOHNNY RAY LLAMAS was seriously injured by Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 use of deadly force, Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 failed to timely summon medical care or permit medical personnel to treat JOHNNY RAY LLAMAS. The delay of medical care to JOHNNY RAY LLAMAS was a contributing cause of JOHNNY RAY LLAMAS's harm, injury, pain and suffering, and ultimate death.

29. As a direct result of his interaction with Defendants herein, JOHNNY RAY LLAMAS died. Defendants' actions caused JOHNNY RAY LLAMAS to lose his life, caused Plaintiffs S.L. and V.L. to lose their father, and caused Plaintiff CAROLYN CAMPBELL to lose her son.

30. JOHNNY RAY LLAMAS did not die immediately.

1 31. The search and seizure and the use of deadly force was excessive and
2 objectively unreasonable under the circumstances. The use of deadly force by Defendants
3 SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 demonstrated a deliberate
4 indifference to the health and safety of JOHNNY RAY LLAMAS that shocks the
5 conscience.

6 32. Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10
7 were present at the scene and intentionally and knowingly permitted the unprovoked and
8 unjustified battery and killing of JOHNNY RAY LLAMAS by failing to prevent it when
9 circumstances were such that they could have done so.

10 33. These acts of Defendants constituted excessive and deadly force which
11 caused Plaintiffs special and general damages, physical injuries, and extreme emotional
12 distress. Further the acts of Defendants COUNTY OF RIVERSIDE and Defendants
13 SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 deprived Plaintiffs and
14 JOHNNY RAY LLAMAS of rights secured to them by the Fourth and Fourteenth
15 Amendments to the United States Constitution in that Defendants deprived JOHNNY
16 RAY LLAMAS of his right to be free in his person against unreasonable search and
17 seizure, and from excessive force, and deprived Plaintiffs of their right to be free from
18 interference with their familial relationship with JOHNNY RAY LLAMAS.

19 34. At all times herein mentioned Defendants were acting under the color of one
20 or more statutes, laws, regulations, customs, practices and usages of the State of
21 California, the County of Riverside, and the RCSD.

22 35. In doing the acts and omissions alleged in this Complaint, Defendants
23 pursued an unprivileged course of extreme and outrageous conduct directed at JOHNNY
24 RAY LLAMAS with the intent to cause JOHNNY RAY LLAMAS to suffer extreme
25 terror, fear, shock, anxiety, mental anguish, despair and emotional distress. Defendants'
26 actions shock the conscience.

27 ///

1 36. The aforesaid acts and omissions of defendants were done knowingly,
2 intentionally and for the purpose of depriving Plaintiffs and JOHNNY RAY LLAMAS of
3 their constitutional rights in reckless and callous disregard of the same, and by reason
4 thereof, Plaintiffs claim exemplary and punitive damages against each individual
5 Defendants (and not against Defendant COUNTY OF RIVERSIDE) in an amount
6 according to proof.

7 37. On August 1, 2023, Plaintiffs presented to Defendant COUNTY OF
8 RIVERSIDE a Government Tort Claim based on the acts, omissions, damages and
9 injuries herein complained of. Defendant COUNTY OF RIVERSIDE denied this Claim
10 in a letter dated August 9, 2023.

11
12 **FIRST CLAIM FOR RELIEF**

13 **Fourth Amendment – Excessive Force (42 U.S.C. § 1983)**

14 **[By Plaintiffs S.L. and V.L. against Defendants SHAWN HUBACHEK, JIMMIE**
15 **MCGUIRE, and DOES 3-10, inclusive]**

16 38. Plaintiffs refer to and replead each and every allegation contained in the
17 foregoing paragraphs of this Complaint with the same force and effect as if fully set forth
18 herein.

19 39. Decedent JOHNNY RAY LLAMAS had a cognizable interest under the
20 Fourth Amendment of the United States Constitution to not be subjected to excessive
21 force while being detained or arrested by Defendants SHAWN HUBACHEK, JIMMIE
22 MCGUIRE, and DOES 3-10.

23 40. On April 14, 2023, Defendants SHAWN HUBACHEK, JIMMIE
24 MCGUIRE, and DOES 3-10 each intentionally used excessive force upon JOHNNY
25 RAY LLAMAS by, among other things, shooting JOHNNY RAY LLAMAS in the back,
26 and by shooting JOHNNY RAY LLAMAS again after he had fallen to the ground after
27 being shot in the back.

1 41. The lethal force applied to decedent by Defendants SHAWN HUBACHEK,
2 JIMMIE MCGUIRE, and DOES 3-10 was in excess of the amount of force a reasonable
3 police officer would have used under similar circumstances.

4 42. These acts and omissions of Defendants SHAWN HUBACHEK, JIMMIE
5 MCGUIRE, and DOES 3-10 violated the rights of decedent JOHNNY RAY LLAMAS
6 under the Fourth Amendment of the United States Constitution to not be subjected to
7 excessive force. Further, Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and
8 DOES 3-10's shooting and use of force violated their training and standard police officer
9 training.

10 43. As a result of their misconduct, Defendants SHAWN HUBACHEK,
11 JIMMIE MCGUIRE, and DOES 3-10 are liable for JOHNNY RAY LLAMAS's injuries,
12 either because they were integral participants in the use of excessive force, and/or
13 because they failed to intervene to prevent these violations.

14 44. As a result of the foregoing, JOHNNY RAY LLAMAS suffered great
15 physical pain and emotional distress up to the time of his death, loss of enjoyment of life,
16 loss of life, and loss of earning capacity.

17 45. As a direct and legal result of the acts and omissions of Defendants SHAWN
18 HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10, and each of them, as sheriff's
19 deputies under color of law, Plaintiffs have suffered extreme and severe mental anguish
20 and pain and have been injured in mind and body and have further been deprived of the
21 life-long love, companionship, comfort, care, assistance, protection, affection, society,
22 moral support, training and guidance of JOHNNY RAY LLAMAS. Plaintiffs also claim
23 funeral and burial expenses and loss of financial support.

24 46. The conduct of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE,
25 and DOES 3-10 was willful, wanton, malicious, and done with reckless disregard for the
26 rights and safety of Plaintiffs, and of decedent JOHNNY RAY LLAMAS, and therefore
27 warrants imposition of exemplary and punitive damages as against these Defendants.
28

1 47. Plaintiffs S.L. and V.L. bring this claim as successors-in-interest to
2 JOHNNY RAY LLAMAS and seek survival damages, including pre-death pain and
3 suffering, emotional distress, loss of life, and loss of enjoyment of life, for the violation
4 of JOHNNY RAY LLAMAS's rights. Plaintiffs S.L. and V.L. also seek attorney's fees
5 and costs under this claim.

6
7 **SECOND CLAIM FOR RELIEF**

8 **Fourth Amendment – Denial of Medical Care (42 U.S.C. § 1983)**

9 **[By Plaintiffs S.L. and V.L. against Defendants SHAWN HUBACHEK, JIMMIE**
10 **MCGUIRE, and DOES 3-10, inclusive]**

11 48. Plaintiffs refer to and replead each and every allegation contained in the
12 foregoing paragraphs of this Complaint with the same force and effect as if fully set forth
13 herein.

14 49. The denial of medical care by Defendants SHAWN HUBACHEK, JIMMIE
15 MCGUIRE, and DOES 3-10 deprived JOHNNY RAY LLAMAS of his right to be secure
16 in his person against unreasonable searches and seizures as guaranteed to him under the
17 Fourth Amendment to the United States Constitution and applied to state actors by the
18 Fourteenth Amendment.

19 50. Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10
20 failed to provide needed medical care to JOHNNY RAY LLAMAS, failed to timely
21 summon needed medical care for DECEDENT, prevented medical care personnel from
22 timely treating JOHNNY RAY LLAMAS, and refused to permit medical care personnel
23 to access and care for JOHNNY RAY LLAMAS at the scene for an appreciable time
24 after the incident.

25 51. On information and belief, after Defendants SHAWN HUBACHEK,
26 JIMMIE MCGUIRE, and DOES 3-10 had shot a number of times at JOHNNY RAY
27 LLAMAS and it was apparent to these Defendants that JOHNNY RAY LLAMAS had
28 been struck by at least some of the shots, Defendants SHAWN HUBACHEK, JIMMIE

1 MCGUIRE, and DOES 3-10 failed to timely summon medical care for JOHNNY RAY
2 LLAMAS and failed to timely provide medical care to JOHNNY RAY LLAMAS.

3 52. As a result of the foregoing, JOHNNY RAY LLAMAS suffered great
4 physical pain and suffering up to the time of his death, loss of enjoyment of life, loss of
5 life, and loss of earning capacity.

6 53. Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10
7 knew that failure to provide timely medical treatment to JOHNNY RAY LLAMAS could
8 result in further significant injury, the unnecessary and wanton infliction of pain, or
9 death, but disregarded that serious medical need, causing JOHNNY RAY LLAMAS
10 great bodily harm and death.

11 54. As a result of their misconduct, Defendants SHAWN HUBACHEK,
12 JIMMIE MCGUIRE, and DOES 3-10 are liable for JOHNNY RAY LLAMAS's injuries,
13 either because they were integral participants in the denial of medical care, and/or
14 because they failed to intervene to prevent these violations.

15 55. Plaintiffs S.L. and V.L. bring this claim as successors-in-interest to
16 JOHNNY RAY LLAMAS and seek survival damages, including pre-death pain and
17 suffering, emotional distress, loss of life, and loss of enjoyment of life, for the violation
18 of JOHNNY RAY LLAMAS's rights. Plaintiffs S.L. and V.L. also seek attorney's fees
19 and costs under this claim.

20
21 **THIRD CLAIM FOR RELIEF**

22 **Interference with Familial Relationship – First Amendment, Fourteenth**
23 **Amendment (42 U.S.C. § 1983)**

24 **[By all Plaintiffs against Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE,**
25 **and DOES 3-10, inclusive]**

26 56. Plaintiffs refer to and replead each and every allegation contained in the
27 foregoing paragraphs of this Complaint, and by this reference incorporates the same
28 herein and makes each a part hereof.

1 57. Plaintiff S.L. had a cognizable interest under the Due Process Clause of the
2 Fourteenth Amendment to the United States Constitution to be free from state actions that
3 deprive them of life, liberty, or property in such a manner as to shock the conscience,
4 including but not limited to unwarranted state interference in Plaintiff S.L.'s familial
5 relationship with their father, JOHNNY RAY LLAMAS.

6 58. Plaintiff V.L. had a cognizable interest under the Due Process Clause of the
7 Fourteenth Amendment to the United States Constitution to be free from state actions that
8 deprive them of life, liberty, or property in such a manner as to shock the conscience,
9 including but not limited to unwarranted state interference in Plaintiff V.L.'s familial
10 relationship with their father, JOHNNY RAY LLAMAS.

11 59. Plaintiff CAROLYN CAMPBELL had a cognizable interest under the Due
12 Process Clause of the Fourteenth Amendment to the United States Constitution to be free
13 from state actions that deprive her of life, liberty, or property in such a manner as to
14 shock the conscience, including but not limited to unwarranted state interference in
15 Plaintiff CAROLYN CAMPBELL's familial relationship with her son, JOHNNY RAY
16 LLAMAS.

17 60. The aforementioned acts and omissions of Defendants SHAWN
18 HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10, along with other undiscovered
19 conduct, shock the conscience, in that they acted with deliberate indifference to the
20 constitutional rights of Plaintiffs and with a purpose to harm unrelated to any legitimate
21 law enforcement objective.

22 61. As a direct and proximate result of these acts and omissions, JOHNNY RAY
23 LLAMAS experienced pain and suffering and eventually died. Defendants SHAWN
24 HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 thus violated the substantive due
25 process rights of Plaintiffs to be free from unwarranted interference with their familial
26 relationship with JOHNNY RAY LLAMAS.

27 62. As a direct and proximate cause of the acts of Defendants SHAWN
28 HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10, Plaintiffs suffered emotional

1 distress, mental anguish, and pain. Plaintiffs have also been deprived of the life-long
2 love, companionship, comfort, support, society, care, and sustenance of Decedent
3 JOHNNY RAY LLAMAS, and will continue to be so deprived for the remainder of their
4 natural lives.

5 63. The conduct of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE,
6 and DOES 3-10 was willful, wanton, malicious, and done with reckless disregard for the
7 rights and safety of JOHNNY RAY LLAMAS and Plaintiffs and therefore warrants the
8 imposition of exemplary and punitive damages as to Defendants SHAWN HUBACHEK,
9 JIMMIE MCGUIRE, and DOES 3-10.

10 64. Plaintiffs S.L., V.L., and CAROLYN CAMPBELL bring this claim
11 individually, for the interference with S.L. and V.L.'s relationship with their father,
12 JOHNNY RAY LLAMAS, and with CAROLYN CAMPBELL's relationship with her
13 son, JOHNNY RAY LLAMAS, and seek wrongful death damages for the violation of
14 Plaintiffs' rights. Plaintiffs also claim funeral and burial expenses and a loss of financial
15 support. Plaintiffs S.L., V.L., and CAROLYN CAMPBELL also seek attorney's fees and
16 costs under this claim.

17
18 **FOURTH CLAIM FOR RELIEF**

19 **Municipal Liability – Unlawful Custom, Policy, or Practice (42 U.S.C. § 1983)**

20 **[By all Plaintiffs against Defendant COUNTY OF RIVERSIDE]**

21 65. Plaintiffs refer to and replead each and every allegation contained in the
22 foregoing paragraphs of this Complaint, and by this reference incorporates the same
23 herein and makes each a part hereof.

24 66. Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10
25 acted pursuant to an expressly adopted policy or longstanding practice or custom of
26 Defendant COUNTY OF RIVERSIDE.

27 67. On information and belief, Defendants SHAWN HUBACHEK, JIMMIE
28 MCGUIRE, and DOES 3-10 were not disciplined, reprimanded, retrained, suspended, or

1 otherwise penalized in connection with their deprivation of JOHNNY RAY LLAMAS's
2 and Plaintiffs' rights.

3 68. Defendant COUNTY OF RIVERSIDE, together with the RCSD and various
4 COUNTY and RCSD policymakers and supervisors, maintained, inter alia, the following
5 unconstitutional customs, practices, and policies:

6 (a) Using excessive and unreasonable force, including deadly force on
7 persons who do not pose an immediate risk of death or serious bodily injury to
8 others;

9 (b) Providing inadequate training regarding the use of force, including
10 deadly force;

11 (c) Providing inadequate training regarding de-escalation;

12 (d) Employing and retaining as police officers, individuals such as
13 Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10,
14 inclusive, who Defendant COUNTY at all times material herein knew or
15 reasonably should have known had dangerous propensities for abusing their
16 authority and for using excessive force;

17 (e) Inadequately supervising, training, controlling, assigning, and
18 disciplining COUNTY deputies, and other personnel, including Defendants
19 SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10, inclusive, who
20 COUNTY knew or in the exercise of reasonable care should have known, had the
21 aforementioned propensities or character traits;

22 (f) Maintaining grossly inadequate procedures for reporting, supervising,
23 investigating, reviewing, disciplining and controlling misconduct by deputies of
24 the COUNTY; and

25 (g) Failing to adequately discipline COUNTY deputies for the above-
26 mentioned categories of misconduct, including inadequate discipline and "slaps on
27 the wrist," discipline that is so slight as to be out of proportion with the magnitude
28

1 of the misconduct, and other inadequate discipline that is tantamount to
2 encouraging misconduct.

3 69. Defendant COUNTY, together with various other officials, whether named
4 or unnamed, had either actual or constructive knowledge of the deficient policies,
5 practices and customs alleged herein. Despite having knowledge as stated above,
6 COUNTY condoned, tolerated and through actions and inactions thereby ratified such
7 policies. COUNTY also acted with deliberate indifference to the foreseeable effects and
8 consequences of these policies with respect to the constitutional rights of JOHNNY RAY
9 LLAMAS, Plaintiffs, and other individuals similarly situated.

10 70. By perpetrating, sanctioning, tolerating and ratifying the outrageous conduct
11 and other wrongful acts, Defendant COUNTY acted with intentional, reckless, and
12 callous disregard for the constitutional rights of JOHNNY RAY LLAMAS and Plaintiffs.
13 Furthermore, the policies, practices, and customs implemented, maintained, and tolerated
14 by Defendant COUNTY caused the deprivation of Plaintiffs' and Decedent's rights by
15 the Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10; that is,
16 COUNTY's maintenance of the aforementioned unconstitutional customs, practices, and
17 policies and failure to prevent violations of law by its employees is so closely related to
18 the deprivations of Plaintiffs' and Decedent's rights as to be the moving force that caused
19 the ultimate injury.

20 71. Based on information and belief, the following are only a few examples of
21 cases evidencing Defendant COUNTY's unconstitutional policies, where the involved
22 deputies were not disciplined, reprimanded, retrained, suspended, or otherwise penalized
23 in connection with the underlying acts giving rise to the below lawsuits, which indicates
24 that COUNTY routinely ratifies such behavior and maintains a practice of allowing such
25 behavior:

26 (a) In *A.F., et al. v. County of Riverside, et al.*, case number 5:15-cv-
27 01603 JGB (DTBx), Defendant COUNTY failed to discipline its deputy who
28

1 attacked a man with his K-9 and shot used deadly force against him while he was
2 not an immediate threat of death or serious bodily injury to anyone;

3 (b) In *Howard v. County of Riverside, et al.*, case number 5:12-cv-00700
4 VAP (OPx), Defendant COUNTY argued that the use of deadly force against an
5 individual was reasonable; a federal jury found otherwise and returned a verdict in
6 favor of plaintiff, a man who posed no immediate threat of death or serious bodily
7 injury and suffered a severe brain injury and partial paralysis after a use of force by
8 a COUNTY sheriff's deputy;

9 (c) In *Travillion v. County of Riverside*, case number EDCV 14-0003
10 VAP (DTBx), Defendant COUNTY failed to discipline its deputy who used deadly
11 force on a man who was not an immediate threat of death or serious bodily injury
12 to anyone;

13 (d) In *Bosch v. County of Riverside*, case number EDCV 13-02352
14 (SVW)(FFM), Defendant COUNTY failed to discipline its deputy who used
15 deadly force on a man who was not an immediate threat of death or serious bodily
16 injury to anyone;

17 (e) In *Castillo v. County of Riverside*, case number EDCV 13-00789 VAP
18 (SPx), Defendant COUNTY failed to discipline its deputy who used deadly force
19 on a man who was not an immediate threat of death or serious bodily injury to
20 anyone;

21 (f) In *Munoz v. County of Riverside*, case number RIC120794, plaintiff
22 argued that the involved COUNTY Sheriff's deputy used deadly force against her
23 son at a time when he posed no immediate threat. The jury in that case returned a
24 verdict in favor of plaintiff;

25 (g) In *L.R., et al. v. County of Riverside, et al.*, case number 15-cv-1767,
26 Defendant COUNTY failed to discipline its deputy who used deadly force on a
27 man who was not an immediate threat of death or serious bodily injury to anyone;
28

1 (h) In *Galvan v. County of Riverside, et al.*, case number 5:21-cv-00384
2 JGB (SHKx), Defendant COUNTY failed to discipline its deputy who entered
3 plaintiff's room while plaintiff was sleeping and immediately escalated the
4 situation by commanding a canine to attack plaintiff, including being bit in the
5 neck, a use of deadly force under the circumstances, while plaintiff was not an
6 immediate risk of harm to anyone;

7 (i) In *Arocha v. County of Riverside, et al.*, case number 5:18-cv-01585
8 DMG (SHKx), Defendant COUNTY failed to discipline its deputy who viciously
9 punched plaintiff in the face resulting in loss of consciousness and a broken orbital
10 bone, a use of deadly force under the circumstances, while plaintiff was not an
11 immediate risk of harm to anyone;

12 (j) In *Cortina v. County of Riverside, et al.*, case number 5:18-cv-01579
13 DDP (SPx), Defendant COUNTY failed to discipline its deputy who used force
14 including deadly force, including deployment of a chemical agent, on an unarmed
15 man who was not an immediate threat of harm to anyone;

16 (k) In *Aguirre, et al. v. County of Riverside, et al.*, case number 5:18-cv-
17 00762 DMG (SPx), Defendant COUNTY failed to discipline its deputy who used
18 excessive force against the decedent who was not an immediate threat of death or
19 serious bodily injury, arguing that the force was reasonable even after a unanimous
20 jury returned a verdict in favor of plaintiffs;

21 (l) In *Orellana v. County of Riverside, et al.*, case number 5:19-cv-01263
22 JGB (SHKx), Defendant COUNTY failed to discipline its deputies who used
23 excessive force including deadly force against a man who was not an immediate
24 threat of harm to anyone.

25
26 72. By reasons of the aforementioned acts and omissions, Decedent JOHNNY
27 RAY LLAMAS suffered great physical pain and suffering up to the time of his death,
28 loss of enjoyment of life, loss of life, and loss of earning capacity; Plaintiffs suffered

1 emotional distress, mental anguish, and pain; and Plaintiffs have been deprived of the
2 life-long love, companionship, comfort, support, society, care, and sustenance of
3 Decedent JOHNNY RAY LLAMAS, and will continue to be so deprived for the
4 remainder of their natural lives.

5 73. Accordingly, Defendant COUNTY is liable to Plaintiffs for compensatory
6 damages under 42 U.S.C. § 1983. Plaintiffs also seek attorneys' fees and costs under this
7 claim.

8
9 **FIFTH CLAIM FOR RELIEF**

10 **Municipal Liability – Failure to Train (42 U.S.C. § 1983)**

11 **[By all Plaintiffs against Defendant COUNTY OF RIVERSIDE]**

12 74. Plaintiffs refer to and replead each and every allegation contained in the
13 foregoing paragraphs of this Complaint, and by this reference incorporates the same
14 herein and makes each a part hereof.

15 75. On information and belief, COUNTY and the RCSD failed to properly and
16 adequately train Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-
17 10, inclusive, including but not limited to, with regard to the use of physical force, less
18 than lethal force, lethal force, de-escalation tactics, communication tactics, and pursuit
19 tactics, and COUNTY's training on these subjects was not adequate to prevent violations
20 of law by its employees.

21 76. The training policies of Defendant COUNTY and the RCSD were not
22 adequate to train their officers to handle the usual and recurring situations with which
23 they must deal, including de-escalation techniques, communication tactics, pursuit
24 tactics, and the use of lethal force.

25 77. Defendant COUNTY OF RIVERSIDE was deliberately indifferent to the
26 substantial risk that its and RCSD's de-escalation tactics, communication tactics, pursuit
27 tactics and use of deadly force policies were inadequate to prevent violations of law by its
28 employees, and to the known or obvious consequences of its failure to adequately train its

1 police officers with respect to the de-escalation tactics, communication tactics, pursuit
2 tactics and the use of deadly force.

3 78. The failure of Defendant COUNTY to provide adequate training caused the
4 deprivation of JOHNNY RAY LLAMAS's and Plaintiffs' rights by Defendants SHAWN
5 HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10, inclusive; that is, COUNTY's
6 failure to train is so closely related to the deprivation of these rights as to be the moving
7 force that caused the ultimate injury.

8 79. Based on information and belief, the following are only a few examples of
9 cases where the involved deputies were not disciplined, reprimanded, retrained,
10 suspended, or otherwise penalized in connection with the underlying acts giving rise to
11 the below lawsuits, which indicates that COUNTY failed to adequately train its deputies
12 with regard to the use of force:

13 (a) In *A.F., et al. v. County of Riverside, et al.*, case number 5:15-cv-
14 01603 JGB (DTBx), Defendant COUNTY failed to discipline its deputy who
15 attacked a man with his K-9 and shot used deadly force against him while he was
16 not an immediate threat of death or serious bodily injury to anyone;

17 (b) In *Howard v. County of Riverside, et al.*, case number 5:12-cv-00700
18 VAP (OPx), Defendant COUNTY argued that the use of deadly force against an
19 individual was reasonable; a federal jury found otherwise and returned a verdict in
20 favor of plaintiff, a man who posed no immediate threat of death or serious bodily
21 injury and suffered a severe brain injury and partial paralysis after a use of force by
22 a COUNTY sheriff's deputy;

23 (c) In *Travillion v. County of Riverside*, case number EDCV 14-0003
24 VAP (DTBx), Defendant COUNTY failed to discipline its deputy who used deadly
25 force on a man who was not an immediate threat of death or serious bodily injury
26 to anyone;
27
28

1 (d) In *Bosch v. County of Riverside*, case number EDCV 13-02352
2 (SVW)(FFM), Defendant COUNTY failed to discipline its deputy who used
3 deadly force on a man who was not an immediate threat of death or serious bodily
4 injury to anyone;

5 (e) In *Castillo v. County of Riverside*, case number EDCV 13-00789 VAP
6 (SPx), Defendant COUNTY failed to discipline its deputy who used deadly force
7 on a man who was not an immediate threat of death or serious bodily injury to
8 anyone;

9 (f) In *Munoz v. County of Riverside*, case number RIC120794, plaintiff
10 argued that the involved COUNTY Sheriff's deputy used deadly force against her
11 son at a time when he posed no immediate threat. The jury in that case returned a
12 verdict in favor of plaintiff;

13 (g) In *L.R., et al. v. County of Riverside, et al.*, case number 15-cv-1767,
14 Defendant COUNTY failed to discipline its deputy who used deadly force on a
15 man who was not an immediate threat of death or serious bodily injury to anyone;

16 (h) In *Galvan v. County of Riverside, et al.*, case number 5:21-cv-00384
17 JGB (SHKx), Defendant COUNTY failed to discipline its deputy who entered
18 plaintiff's room while plaintiff was sleeping and immediately escalated the
19 situation by commanding a canine to attack plaintiff, including being bit in the
20 neck, a use of deadly force under the circumstances, while plaintiff was not an
21 immediate risk of harm to anyone;

22 (i) In *Arocha v. County of Riverside, et al.*, case number 5:18-cv-01585
23 DMG (SHKx), Defendant COUNTY failed to discipline its deputy who viciously
24 punched plaintiff in the face resulting in loss of consciousness and a broken orbital
25 bone, a use of deadly force under the circumstances, while plaintiff was not an
26 immediate risk of harm to anyone;

1 (j) In *Cortina v. County of Riverside, et al.*, case number 5:18-cv-01579
2 DDP (SPx), Defendant COUNTY failed to discipline its deputy who used force
3 including deadly force, including deployment of a chemical agent, on an unarmed
4 man who was not an immediate threat of harm to anyone;

5 (k) In *Aguirre, et al. v. County of Riverside, et al.*, case number 5:18-cv-
6 00762 DMG (SPx), Defendant COUNTY failed to discipline its deputy who used
7 excessive force against the decedent who was not an immediate threat of death or
8 serious bodily injury, arguing that the force was reasonable even after a unanimous
9 jury returned a verdict in favor of plaintiffs;

10 (l) In *Orellana v. County of Riverside, et al.*, case number 5:19-cv-01263
11 JGB (SHKx), Defendant COUNTY failed to discipline its deputies who used
12 excessive force including deadly force against a man who was not an immediate
13 threat of harm to anyone.

14
15 80. By reasons of the aforementioned acts and omissions, Decedent JOHNNY
16 RAY LLAMAS suffered great physical pain and suffering up to the time of his death,
17 loss of enjoyment of life, loss of life, and loss of earning capacity; Plaintiffs suffered
18 emotional distress, mental anguish, and pain; and Plaintiffs have been deprived of the
19 life-long love, companionship, comfort, support, society, care, and sustenance of
20 Decedent JOHNNY RAY LLAMAS, and will continue to be so deprived for the
21 remainder of their natural lives.

22 81. Accordingly, Defendant COUNTY is liable to Plaintiffs for compensatory
23 damages under 42 U.S.C. § 1983. Plaintiffs also seek attorneys' fees and costs under this
24 claim.

25 ///

26 ///

27 ///

SIXTH CLAIM FOR RELIEF

Battery (Survival and Wrongful Death)

[By All Plaintiffs against All Defendants]

82. Plaintiffs refer to and replead each and every allegation contained in the foregoing paragraphs of this Complaint, and by this reference incorporates the same herein and makes each a part hereof.

83. Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10, while working as sheriff's deputies for RCSD and COUNTY, and acting within the course and scope of their duties, intentionally shot JOHNNY RAY LLAMAS multiple times and used unreasonable and excessive force against him. As a result of the actions of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10, JOHNNY RAY LLAMAS ultimately died from his injuries. Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 had no legal justification for using force against JOHNNY RAY LLAMAS, and their use of force while carrying out their duties as police officers was an unreasonable and non-privileged use of force.

84. As a direct and proximate result of the conduct of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 as alleged above, JOHNNY RAY LLAMAS sustained injuries, experienced pain and suffering, died from his injuries and also lost his earning capacity. Also as a direct and proximate result of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10's conduct as alleged above, Plaintiffs S.L., V.L., and CAROLYN CAMPBELL suffered emotional distress and mental anguish. S.L., V.L., and CAROLYN CAMPBELL also have been deprived of the life-long love, companionship, comfort, support, society, care and sustenance of JOHNNY RAY LLAMAS, and will continue to be so deprived for the remainder of their natural life.

85. COUNTY is vicariously liable for the wrongful acts of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries

1 caused by its employees within the scope of the employment if the employee's act would
2 subject him or her to liability.

3 86. The conduct of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE,
4 and DOES 3-10 was malicious, wanton, oppressive, and accomplished with a conscious
5 disregard for the rights of JOHNNY RAY LLAMAS, entitling Plaintiffs S.L. and V.L., as
6 successors-in-interest to JOHNNY RAY LLAMAS, to an award of exemplary and
7 punitive damages as to Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and
8 DOES 3-10.

9 87. Pursuant to California Code of Civil Procedure §§ 377.60 and 377.70,
10 Plaintiffs S.L. and V.L. bring this claim individually, as a wrongful death claim, and as
11 successors-in-interest to JOHNNY RAY LLAMAS, as a survival claim. Plaintiffs S.L.
12 and V.L. seek survival damages, including pain and suffering, and wrongful death
13 damages under this claim.

14 88. Pursuant to California Code of Civil Procedure §§ 377.60, Plaintiff
15 CAROLYN CAMPBELL brings this claim individually and seeks wrongful death
16 damages on this claim.

17 89. As a further proximate result of the aforesaid acts and omissions by
18 defendants and the death of decedent, Plaintiffs have incurred funeral and burial expenses
19 in an amount to be proven at trial.

20
21 **SEVENTH CLAIM FOR RELIEF**

22 **Negligence (Survival and Wrongful Death)**

23 **[By All Plaintiffs against All Defendants]**

24 90. Plaintiffs refer to and replead each and every allegation contained in the
25 foregoing paragraphs of this Complaint, and by this reference incorporates the same
26 herein and makes each a part hereof.

27 91. Law enforcement officers, including Defendants SHAWN HUBACHEK,
28 JIMMIE MCGUIRE, and DOES 3-10, have a duty to use reasonable care to prevent harm

1 or injury to others. This duty includes using appropriate tactics, giving appropriate
2 commands, giving warnings, and not using any force unless necessary, using less than
3 lethal options, and only using deadly force as a last resort.

4 92. Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10
5 breached this duty of care. Upon information and belief, the actions and inactions of
6 Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 were
7 negligent and reckless, including but not limited to:

8 (a) the failure to properly and adequately assess the need to use force or
9 deadly force against JOHNNY RAY LLAMAS;

10 (b) the negligent tactics and handling of the situation with JOHNNY
11 RAY LLAMAS, including pre-shooting negligence;

12 (c) the negligent use of force, including deadly force, against JOHNNY
13 RAY LLAMAS;

14 (d) the failure to provide prompt medical care to JOHNNY RAY
15 LLAMAS;

16 (e) the failure to properly train and supervise employees, both
17 professional and non-professional, including Defendants SHAWN HUBACHEK,
18 JIMMIE MCGUIRE, and DOES 3-10;

19 (f) the failure to properly employ, retain, assign, control, and discipline
20 employees, including Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE,
21 and DOES 3-10, including despite known dangerous propensities and/or
22 propensities for using excessive force;

23 (g) the failure to ensure that adequate numbers of employees with
24 appropriate education and training were available to meet the needs of and protect
25 the rights of JOHNNY RAY LLAMAS;

26 (h) the negligent handling of evidence and witnesses; and

27 (i) the negligent communication of information during the incident.
28

93. As a direct and proximate result of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10's conduct as alleged above, and other undiscovered negligent conduct, JOHNNY RAY LLAMAS experienced pain and suffering ultimately died. Also as a direct and proximate result of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10's conduct as alleged above, Plaintiffs S.L., V.L., and CAROLYN CAMPBELL suffered emotional distress and mental anguish. Plaintiffs S.L., V.L., and CAROLYN CAMPBELL also have been deprived of the life-long love, companionship, comfort, support, society, care and sustenance of JOHNNY RAY LLAMAS, and will continue to be so deprived for the remainder of their natural lives.

94. COUNTY is vicariously liable for the wrongful acts of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's act would subject him or her to liability.

95. Pursuant to California Code of Civil Procedure §§ 377.60 and 377.70, Plaintiffs S.L. and V.L. bring this claim individually, as a wrongful death claim, and as successors-in-interest to JOHNNY RAY LLAMAS, as a survival claim. Plaintiffs S.L. and V.L. seek survival damages, including pain and suffering, and wrongful death damages under this claim.

96. Pursuant to California Code of Civil Procedure §§ 377.60, Plaintiff CAROLYN CAMPBELL brings this claim individually and seeks wrongful death damages on this claim.

97. As a further proximate result of the aforesaid acts and omissions by defendants and the death of decedent, Plaintiffs have incurred funeral and burial expenses in an amount to be proven at trial.

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EIGHTH CLAIM FOR RELIEF

Violation of California Civil Code § 52.1

[By All Plaintiffs against All Defendants]

98. Plaintiffs refer to and replead each and every allegation contained in the foregoing paragraphs of this Complaint, and by this reference incorporates the same herein and makes each a part hereof.

99. California Civil Code, Section 52.1 (the Bane Act), prohibits any person from using violent acts or threatening to commit violent acts in retaliation against another person for exercising that person's constitutional rights.

100. On information and belief, Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10, while working for the COUNTY and acting within the course and scope of their duties, intentionally committed and attempted to commit acts of violence against JOHNNY RAY LLAMAS or acted in reckless disregard of JOHNNY RAY LLAMAS's civil rights, including by shooting him without justification or excuse, and by denying him necessary medical care.

101. When Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 shot JOHNNY RAY LLAMAS numerous times, either by integrally participating in the shooting or by failing to intervene, they deliberately subjected JOHNNY RAY LLAMAS to excessive force that was beyond what was necessary and coercively interfered with his civil rights to be free from unreasonable searches and seizures, to due process, to equal protection of the laws, to medical care, to be free from state actions that shock the conscience, and to life, liberty, and property.

102. On information and belief, Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10 intentionally and spitefully coercively committed the above acts to coercively interference with JOHNNY RAY LLAMAS's civil rights, to discourage JOHNNY RAY LLAMAS from exercising his civil rights, to retaliate against him for invoking such rights, or to prevent him from exercising such rights, which he was fully entitled to enjoy.

1 103. On information and belief, JOHNNY RAY LLAMAS reasonably believed
2 and understood that the violent acts committed by Defendants SHAWN HUBACHEK,
3 JIMMIE MCGUIRE, and DOES 3-10, inclusive were intended to coercively interfere
4 with JOHNNY RAY LLAMAS's civil rights, to discourage him from exercising the
5 above civil rights, to retaliate against him for invoking such rights, or to prevent him
6 from exercising such rights.

7 104. Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10
8 successfully interfered with the above civil rights of JOHNNY RAY LLAMAS.

9 105. The conduct of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE,
10 and DOES 3-10 was a substantial factor in causing JOHNNY RAY LLAMAS's harms,
11 losses, injuries, and damages.

12 106. COUNTY is vicariously liable for the wrongful acts of Defendants SHAWN
13 HUBACHEK, JIMMIE MCGUIRE, and DOES 3-10, inclusive pursuant to section
14 815.2(a) of the California Government Code, which provides that a public entity is liable
15 for the injuries caused by its employees within the scope of the employment if the
16 employee's act would subject him or her to liability.

17 107. The conduct of Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE,
18 and DOES 3-10 was malicious, wanton, oppressive, and accomplished with a conscious
19 disregard for JOHNNY RAY LLAMAS's rights, justifying an award of exemplary and
20 punitive damages as to Defendants SHAWN HUBACHEK, JIMMIE MCGUIRE, and
21 DOES 3-10.

22 108. Plaintiffs S.L. and V.L. bring this claim as successors-in-interest to
23 JOHNNY RAY LLAMAS and seek survival damages, including emotional distress, loss
24 of life, and loss of enjoyment of life under this claim. Plaintiffs S.L. and V.L. also seek
25 treble damages, attorney's fees, and costs under this claim.

26 109. As a further proximate result of the aforesaid acts and omissions by
27 defendants and the death of decedent, plaintiffs have incurred funeral and burial expenses
28 in an amount to be proven at trial.

PRAYER FOR RELIEF

Plaintiffs pray for judgment on all causes of action against defendants, and each of them, as follows:

1. For compensatory damages in whatever other amount may be proven at trial, including both survival damages and wrongful death damages under federal and state law;
2. For funeral and burial expenses, and loss of financial support;
3. For punitive damages against the individual defendants in an amount to be proven at trial;
4. For statutory damages;
5. For treble damages pursuant to California Civil Code sections 52, 52.1;
6. For interest;
7. For reasonable attorney's fees, including litigation expenses;
8. For costs of suit; and
9. For such other and further relief as the court may deem just, proper, and appropriate.

Dated: September 27, 2024

MARDIROSSIAN AKARAGIAN, LLP

By: /s/ Lawrence D. Marks

GARO MARDIROSSIAN

LAWRENCE D. MARKS

Attorneys for Plaintiffs S.L. and CAROLYN
CAMPBELL

Dated: September 27, 2024

LAW OFFICES OF DALE K. GALIPO

By: /s/ Dale K. Galipo

DALE K. GALIPO

Attorneys for Plaintiff V.L.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury.

Dated: September 27, 2024

MARDIROSSIAN AKARAGIAN, LLP

By: /s/ Lawrence D. Marks

GARO MARDIROSSIAN

LAWRENCE D. MARKS

Attorneys for Plaintiffs S.L. and CAROLYN
CAMPBELL

Dated: September 27, 2024

LAW OFFICES OF DALE K. GALIPO

By: /s/ Dale K. Galipo

DALE K. GALIPO

Attorneys for Plaintiff V.L.

EXHIBIT 17

EXHIBIT 17

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CASE NO.: 5:24-cv-00249-CAS (SPx)

-----x

Johnny Ray Llamas,
Plaintiffs,

V.

County of Riverside,
Defendants.

-----x

October 23rd, 2024
Deposition via Zoom.

1 A P P E A R A N C E S

2 Appearing on behalf of the plaintiff and the witness:

3 BY: LAWRENCE MARKS, ESQ

4

5 Appearing on behalf of the defendants:

6 BY: KAYLEIGH ANDERSEN, ESQ

7

8 Appearing on behalf of Plaintiff V.L.:

9 BY: SHANNON LEAP, ESQ

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WITNESS

EXAMINATION

PAGE

4

CAROLYN CAMPBELL

DIRECT EXAMINATION

5

BY MS. ANDERSEN

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1 THE VIDEOGRAPHER: We are now on the
2 record. This begins Videotape number 1 in the
3 deposition of Carolyn Campbell in the matter of
4 Johnny Ray Llamas vs. County of Riverside, the
5 United States District Court, Central District of
6 California, case number 524-cv-00249-CAS(SPx).
7 Today is October 23rd, 2024, and the time is 1:13
8 p.m. This deposition is being taken remotely at the
9 request of Manning & Kass. The videographer is
10 Victor Salcedo(phonetic) of Magna Legal Services and
11 the court reporter is Kathleen McLaughlin of Magna
12 Legal Services. Will counsel and all parties
13 present state their appearances and whom they
14 represent.

15 MR. MARKS: Lawrence Marks, I represent
16 the plaintiff and the witness.

17 MS. LEAP: Shannon Leap on behalf of
18 Plaintiff V.L.

19 MS. ANDERSEN: Kayleigh Andersen on
20 behalf of the defendants.

21 THE VIDEOGRAPHER: Will the court
22 reporter please swear in the witness.

23 THE COURT REPORTER: Ms. Campbell,
24 please raise your right hand. Do you solemnly state
25 the testimony you're about to give in this

1 proceeding shall be the truth, the whole truth, and
2 nothing but the truth?

3 THE WITNESS: Yes.

4 (Whereupon, the witness was duly sworn.)

5 THE COURT REPORTER: Thank you.

6 Whereupon,

7 C A R O L Y N C A M P B E L L,

8 having been first duly sworn, was examined and testified
9 as follows:

10 DIRECT EXAMINATION.

11 BY MS. ANDERSEN:

12 Q. Good afternoon, Ms. Campbell. Could I have
13 you please state and spell your full name for the
14 record?

15 A. It's Carolyn, C-A-R-O-L-Y-N, and I use my
16 middle name Jean, J-E-A-N, Campbell,
17 C-A-M-P-B-E-L-L.

18 Q. Thank you. Have you ever had your deposition
19 taken before?

20 A. No.

21 Q. Have you ever testified in court before?

22 A. What'd you say.

23 Q. Have you ever testified in a courtroom
24 before?

25 A. No.

1 Q. Okay. So let me go over some of the ground
2 rules for the depositions so we have a better
3 understanding of today's proceedings.

4 A. Mm-hmm.

5 Q. A -- a deposition is a question and answer
6 session, so I will be asking you the questions and
7 you provide your best answers. The court reporter
8 is here to take down everything that is said. She
9 can only take down verbal responses, so I ask that
10 you continue to give verbal responses to my
11 questions as opposed to uh-uhs or uh-uhs, or nodding
12 or shaking your head. Does that make sense?

13 A. Yes.

14 Q. Okay. You'll have an opportunity to review
15 the transcript once it's complete and make any
16 changes that you deem appropriate. I will caution
17 you that if you make substantive changes to your
18 testimony, it may affect your credibility at the
19 time of trial and myself, or other attorneys would
20 be able to comment on those changes. Does that make
21 sense?

22 A. Yes.

23 Q. Okay. From time to time, your attorney or
24 the other attorney here, Ms. Leap, may have
25 objections to my questions. Please allow them to

1 state their objections for the record and then you
2 can proceed with your answer. Okay?

3 A. Okay.

4 Q. I do not want you to guess or speculate today
5 about anything, but I am entitled to your best
6 estimate. Do you understand the difference between
7 a guess and an estimate?

8 A. No.

9 Q. Okay. So let me give you an example that we
10 frequently use. So there's a -- I'm assuming based
11 on how you're seated, you're sitting at a table of
12 some sort; is that correct?

13 A. Yes.

14 Q. Okay. So I'm also sitting at a table, but if
15 I asked you to tell me how long the table in front
16 of me is with feet or inches, that would be a
17 complete guess because you've never seen this table,
18 correct?

19 A. Correct.

20 Q. Okay. But if I were to ask you how long the
21 table in front of you is, you may not know exactly
22 how long it is, but you'd be able to give me some
23 type of estimate or approximation. Does that make
24 sense?

25 A. Yes.

1 Q. Okay. So does that make sense as opposed to
2 what a guess is as opposed to an estimate?

3 A. Right. Yes.

4 Q. Okay. If at any time you don't understand my
5 question, please let me know and I'll do my best to
6 rephrase it. Okay?

7 A. Okay.

8 Q. I'm speaking kind of loud because I think I
9 heard you say something before we started, that
10 you're hard of hearing?

11 A. Yes.

12 Q. Is that correct?

13 A. Yes.

14 Q. Okay. So if at any time you don't hear me or
15 need something repeated back, please let me know.
16 Okay?

17 A. Okay.

18 Q. If you need a break at any time, we can also
19 go ahead and take a break. I just ask that if
20 there's a question pending, you answer that question
21 before we go ahead and take the break. Okay?

22 A. All right.

23 Q. Is there any reason that would prevent you
24 from going forward with your deposition today?

25 A. No.

1 Q. Have you had any drugs or alcohol in the last
2 24 hours that would impair your ability to give your
3 best testimony today?

4 A. No.

5 Q. Have you reviewed anything in preparation for
6 your deposition?

7 A. No.

8 Q. Have you ever talked with anyone from the
9 Riverside County Sheriff's Department about the
10 incident involving your son, Johnny Llamas, and law
11 enforcement on April 13th of 2023?

12 A. Yes.

13 Q. Okay. When did you speak with law
14 enforcement about that incident?

15 A. Well, they -- they came to my house to tell
16 me that -- that my son was killed.

17 Q. Okay. So the notification; is that correct?

18 A. Right.

19 Q. And when was that?

20 A. It was the 14th of April.

21 Q. Okay. So it was the same date, as far as you
22 understood it, as the incident took place?

23 A. It was the next day.

24 Q. Oh, okay. Do you recall the names of the
25 individual officers or --

1 A. No.

2 Q. -- deputies that came?

3 MR. MARKS: You got to slow down just a
4 little bit and let her finish her question before
5 you start to answer.

6 THE WITNESS: Okay.

7 BY MS. ANDERSEN:

8 Q. Do you recall the names of the deputies or
9 law enforcement officers who came to your house to
10 notify you?

11 A. No.

12 Q. Okay. Other -- or let me ask then, what did
13 they notify you about?

14 A. That my son was killed, shot.

15 Q. Did they provide any more information about
16 that incident or the -- the death of your son?

17 A. No.

18 Q. Okay. Was anyone home with you at the time
19 that you had that notification?

20 A. I was by myself.

21 Q. Okay. Were you at your -- your residence,
22 your home?

23 A. Yes.

24 Q. Okay. Other than that notification where law
25 enforcement informed you that your son had died, did

1 you have any other contact with anyone from the
2 Riverside County Sheriff's Department about the
3 death of your son?

4 A. No.

5 Q. Okay. And I know it's kind of obvious from
6 the complaint, but the -- your relationship to
7 Johnny Llamas, he is your biological son; is that
8 correct?

9 A. Yes.

10 Q. Okay. Have you gone by any other names in
11 your life other than Carolyn Campbell?

12 A. Yes.

13 Q. And what other names have you gone by?

14 A. Llamas.

15 Q. Okay. And when did you stop going by Llamas?

16 A. When I got married.

17 Q. Okay. Is Llamas your maiden name then?

18 A. Yes.

19 Q. Okay. And then what year then did you stop
20 using Llamas as your maiden name?

21 A. In '89.

22 Q. 1989?

23 A. Mm-hmm.

24 Q. Yes?

25 A. Yes.

1 Q. Okay. Thank you. What's your date of birth?

2 A. May 2nd, 1958.

3 Q. And do you currently live with anyone?

4 A. No.

5 Q. But where do you live?

6 A. In Lake Elsinore.

7 Q. Okay. Let's say since the year 2020, have
8 you ever lived with anyone at the same residence?

9 A. No.

10 Q. In April of 2023, did you live at the same
11 residence you currently live at in Lake Elsinore?

12 A. Yes.

13 Q. Between 2020 and 2023, did Johnny ever live
14 with you at your --

15 A. Yes.

16 Q. -- residence?

17 A. Yes.

18 Q. Okay. And during what time periods?

19 A. When he first was released from prison. I'm
20 not sure what the date was. I was really sick. I
21 don't remember a lot.

22 Q. Can you give me your best estimate? Maybe
23 just the year?

24 A. I -- I -- I really don't know.

25 Q. Okay.

1 A. Whenever he was released.

2 Q. Do you know how long he lived with you?

3 A. It was off and on.

4 Q. Okay. In April of 2023, was Johnny living
5 with you at your residence?

6 A. No.

7 Q. Okay. Are -- are you currently married?

8 A. No, I'm a widow.

9 Q. Okay. Were you ever married to -- to
10 Johnny's father?

11 A. No.

12 Q. And from the testimony of your daughter,
13 Kristine, I understand you have -- are there four
14 children?

15 A. Three.

16 Q. Three children? Okay. And what are the
17 names of your -- your three children?

18 A. Michelle (phonetic), Kristine, and my son,
19 Johnny.

20 Q. Okay. Do you know if Johnny was ever
21 married?

22 A. No.

23 Q. Is that -- I guess I asked that question
24 pretty poorly, but does that mean he -- as far as
25 you're aware, he was never married; is that correct?

1 A. Never married.

2 Q. Okay. Thank you. And do you know how many
3 children Johnny has?

4 A. Two.

5 Q. Two. And I'm just going to refer to them by
6 their initials as I understand it. Would that be
7 S.L. and V.L.?

8 A. Yes.

9 Q. Okay. And what is your highest level of
10 education?

11 A. High school graduate.

12 Q. Within the past 10 years, have you been
13 convicted of a felony?

14 A. No.

15 Q. What is Johnny's highest level of education?

16 A. Ninth grade, I believe.

17 Q. Again, from the testimony of your daughter
18 earlier, I understand he was maybe taking classes or
19 courses to obtain his GED. Does that sound
20 accurate?

21 A. Yes.

22 Q. Okay. Do you know if he ever obtained his
23 GED?

24 A. No.

25 Q. Do you know whether he ever obtained any type

1 of trade certificates?

2 A. Yes.

3 Q. Okay. In what?

4 A. He worked for the fire camp at the prison and
5 he got certificates, stuff like that. He took
6 college classes in prison to better himself --

7 Q. Okay.

8 A. -- for the fire department.

9 Q. Okay. Other than while in custody, do you
10 know if he took any college courses outside?

11 A. No, not that I know of.

12 Q. Okay. Same thing, out of custody, do you
13 know if he ever took any or attended any trade
14 school, courses, or classes?

15 A. No, not that I know of.

16 Q. And do you -- again, this is maybe silly, but
17 since -- I'm only going to talk about the time
18 period from the -- the time Johnny turned 18, so as
19 an adult. From 18 until his -- his death in 2023,
20 do you know if Johnny had been convicted of any
21 felonies?

22 A. I believe so.

23 Q. Do you know approximately how many times he
24 had been convicted of a felony during that time
25 period?

1 A. I can't recall.

2 Q. Do you recall, as an adult, so since he
3 reached the age of 18, he had multiple separate
4 incarcerations in either a county jail or state
5 prison?

6 A. Yes.

7 Q. Do you know any of the state prisons in which
8 he was incarcerated? The names of them?

9 A. I believe one was Wasco, Chino.

10 Q. I'm sorry?

11 A. Chino.

12 Q. Chino? Oh, okay. I'm sorry. So Chino and
13 Wasco. Do you know any other state prisons in which
14 he was incarcerated?

15 A. I don't know. I can't recall the names.

16 Q. Okay. Do you know approximately when he was
17 at Wasco State Prison?

18 A. No, I -- I don't -- I don't remember.

19 Q. Okay. What about at Chino? Do you know the
20 -- recall the approximate time period?

21 A. No, I -- I don't -- I don't.

22 Q. Okay. Do you know the nature of the charges
23 related to any of his felony convictions as an
24 adult?

25 A. Yes.

1 Q. And what were -- what were those?

2 A. Car theft.

3 Q. Other than car theft, are you aware of any
4 other charges that relate to any of the felony
5 convictions he had as an adult?

6 A. No.

7 Q. Do you know whether Johnny was on probation
8 at the time of his death?

9 A. I believe so.

10 Q. Do you know whether he had a warrant for his
11 arrest out at the time of his death?

12 A. No, till after.

13 THE COURT REPORTER: I didn't hear that.
14 I'm sorry. No. What was the rest of the words?

15 THE WITNESS: After he died.

16 BY MS. ANDERSEN:

17 Q. Okay. You're saying after his -- after he
18 died, you became aware of a warrant?

19 A. Yes.

20 Q. Okay. How are you currently employed?

21 A. I'm retired.

22 Q. How long have you been retired?

23 A. Ten years.

24 Q. Ten years. What previous job did you have?

25 A. I was a housewife a lot of my years, but I

1 worked at the casinos, Pechanga, Soboba.

2 Q. When did you work at the casino? Pechanga?

3 A. The year, probably 1999 or so.

4 Q. Okay. After 1999, did you work?

5 A. No.

6 Q. Okay. So when was the last time you actual

7 -- you had employment?

8 A. At that job, that was the last time.

9 Q. Approximately 1999?

10 A. Yeah.

11 Q. Okay. Do you know if Johnny was employed in
12 April of 2023?

13 A. Not that I know of.

14 Q. Okay. What about since -- as an adult, do
15 you know of any jobs that Johnny held?

16 A. Well, I know he applied for a lot of jobs and
17 he never got no response. He tried to get into the
18 fire camp and nothing became of it. But I know he
19 would do odd jobs.

20 Q. But self-employed, is that how you would
21 categorize it?

22 A. Yes.

23 Q. Okay. But as far as you're aware, he never
24 worked for a specific business, or company, or
25 anything like that; is that accurate?

1 A. Yes.

2 Q. Okay. What types of odd jobs would he work
3 as far as you were aware?

4 A. He did plumbing, he laid cement, construction
5 type job.

6 Q. Do you know -- let's break it down maybe
7 monthly. Do you know approximately how much Johnny
8 would make in a month between the years of 2020 and
9 2023?

10 A. I have no clue what he made or -- money-wise
11 or anything like that.

12 Q. Okay. Have you ever been a party to a civil
13 lawsuit before?

14 A. No.

15 Q. Okay. Now, this is again a clarifying
16 question, so I think I know the answer, but did you
17 witness -- personally witness any part of the
18 incident between Johnny and the deputies with the
19 sheriff's department on April 14th of 2023?

20 A. No.

21 Q. Okay. Do you know a woman named Priscilla
22 Raju(phonetic)?

23 A. I met her.

24 Q. Okay. When did you meet her?

25 A. She came over to the house with Johnny, I'd

1 say probably about a month before he was murdered.

2 Q. Okay. Did he or she tell you the -- the
3 nature of their relationship?

4 A. A boyfriend and girlfriend, I guess, for a
5 minute.

6 Q. Okay. Other than that one time,
7 approximately one month before the incident, have
8 you ever spoken with her outside of that time?

9 A. She came over with Johnny another time and I
10 gave her a dress, and Johnny spoke highly of her,
11 said she took care of him and stuff. She seemed
12 pretty nice.

13 Q. Okay. What about since -- since Johnny's
14 passing, have you spoken with Priscilla Raju?

15 A. Yes, I was in the hospital. It was just like
16 the day or two after he passed on, she came to see
17 me at the hospital. She stayed for a few minutes
18 and left.

19 Q. Okay. Did you talk about anything related to
20 the incident with your son?

21 A. No, I was so upset I didn't ask her anything.

22 Q. Okay. Did she tell you anything about what
23 happened during the incident with her son -- oh,
24 with -- I'm sorry, with your son and the deputies?

25 A. No, she never spoke of anything.

1 Q. Other than that one time -- a couple days or
2 so after your son's passing, have you spoken with
3 her again?

4 A. No.

5 Q. Okay. Have you attempted to reach out to her
6 at any time, again, other than that one time you --
7 you spoke with her a couple days after the incident?

8 A. No.

9 Q. Any other time where you tried to reach out
10 to her?

11 A. No.

12 Q. Okay. Any other time where she's tried to
13 contact you since Johnny's passing?

14 A. No.

15 Q. Okay. Do you know where she lives?

16 A. No.

17 Q. Do you have a phone number for her or
18 anything?

19 A. No.

20 Q. When was the last time you saw Johnny prior
21 to his death?

22 A. The night before he was murdered.

23 Q. Okay. And where did you see him?

24 A. He came to my house.

25 Q. Okay. Did you guys talk about anything?

1 A. No, he took a shower, fed him. He told me to
2 be careful. He was worried about me being sick.

3 Q. Did he spend the night at your house?

4 A. No.

5 Q. Okay. Was Priscilla with him at that time?

6 A. No, he was by himself.

7 Q. Okay. Did he say anything about law
8 enforcement, or police, or deputies, or anything
9 during your contact with him that night before?

10 A. He told me that they tried -- they set his
11 place on fire and it was so hot it melted all kinds
12 of metal and stuff there.

13 Q. When did he say that occurred, if he did?

14 A. Right before he died.

15 Q. Okay. He -- he told you that the police had
16 set something on fire of his?

17 A. His -- his place.

18 Q. Where -- where was he living at that time?

19 A. I think it's Mountain Road or something like
20 that.

21 Q. Was he living in an apartment, a house?

22 A. A trailer.

23 Q. A trailer? And did he tell you during -- the
24 night before that the police had set his trailer on
25 fire?

1 A. Yeah, and it was really hot, melted some keys
2 and stuff like that. He was real worried.

3 Q. Okay. Did he elaborate any further on the
4 circumstances of that event?

5 A. No.

6 Q. Okay. Did he say if anybody was with him
7 when the police allegedly lit his trailer on fire?

8 A. No.

9 Q. Did you believe him when he said that?

10 A. Yeah, I did because he was pretty upset.

11 Q. Okay. Did he -- do you know if Johnny took
12 any drugs or anything as an adult?

13 A. Not that I'm aware of.

14 Q. Do you know if Johnny had ever been diagnosed
15 with any mental health issues at any time in his
16 life?

17 A. No, not that I know of.

18 Q. Okay. Did you receive any type of financial
19 support from Johnny at any time in his adult life?

20 A. No.

21 Q. Do you maintain contact with the other
22 plaintiffs in this case, your granddaughters, S.L.
23 and V.L.?

24 A. I didn't understand you.

25 Q. Do you still see your granddaughters, S.L.

1 and V.L., Johnny's daughters?

2 A. Yes.

3 Q. Okay. When was the last time you saw S.L.
4 maybe other than currently at your attorney's
5 office? But when was the last time before this that
6 you saw S.L.?

7 A. Couple days ago.

8 Q. Do you guys live close to each other in Lake
9 Elsinore?

10 A. Yes.

11 Q. What about V.L.? When was the last time you
12 saw her?

13 A. Oh, it's probably been about eight months.

14 Q. Okay. And it's my understanding she lives
15 out of state; is that -- is that correct?

16 A. Yes.

17 Q. Do you know what state she lives in?

18 A. I believe it's Oklahoma.

19 Q. Have you ever gone to Oklahoma to visit her?

20 A. No.

21 Q. Do you know if Johnny ever went to Oklahoma
22 to visit her?

23 A. No, but he sent her money in Oklahoma.

24 Q. Okay. Have you ever talked about what
25 happened during the incident with Johnny and the law

1 enforcement officers on April 14th with anyone other
2 than your attorneys and also that one conversation
3 you already mentioned with Priscilla? Any other
4 time that you spoke with anybody about that
5 incident?

6 A. Well, everybody knew, the neighborhood,
7 before I did.

8 THE COURT REPORTER: I'm sorry. The
9 neighborhood?

10 THE WITNESS: Yeah.

11 THE COURT REPORTER: I didn't hear what
12 she --

13 MR. MARKS: She said, "Before I did."

14 THE COURT REPORTER: Okay.

15 BY MS. ANDERSEN:

16 Q. So did anybody -- has anybody told you they
17 personally witnessed the incident involving law
18 enforcement and your son, Johnny, on April 14th?

19 A. They heard it.

20 Q. Okay. Do you know who heard it?

21 A. Quite a few people.

22 Q. And when you say heard it, do you mean they
23 heard about it or that they personally heard the
24 actual incident taking place?

25 A. Well, you know, my -- you could hear them

1 screaming and the helicopter and everything.

2 Q. Okay. Can you give me the name of the person
3 who told you that they heard it?

4 A. I'm not sure of their name.

5 Q. Are they a neighbor of yours?

6 A. No.

7 Q. Okay. Did you ever go to, like the location
8 or around the location where the incident took place
9 and speak with any of the homeowners in that area?

10 A. Yes, I have.

11 Q. Okay.

12 A. I've seen bullet holes.

13 Q. I'm sorry?

14 A. I've seen the bullet holes.

15 Q. Okay. And do you recall the names of the
16 homeowners that you did speak with?

17 A. I don't know them.

18 Q. Okay. Do you know the address of the home
19 that you -- you know, where the owners were that you
20 spoke with?

21 A. Right where he was killed.

22 Q. Okay. And what did they tell you, if
23 anything?

24 A. I've never talked to them. I've just been
25 there, put flowers on the -- the site where he was

1 killed.

2 Q. Okay. So to clarify, you -- you have not
3 spoken to any of the homeowners in the area --

4 A. No.

5 Q. -- or the -- I know you -- I know you
6 understand where my question is going, but just let
7 me finish my question before you answer. It just
8 helps the court reporter keep --

9 A. Okay.

10 Q. -- a clear transcript. Okay?

11 A. Sorry.

12 Q. That's okay. It's hard over Zoom. I
13 understand. Just to clarify, you have not spoken to
14 any of the homeowners in the area where this -- the
15 incident with your son occurred, correct?

16 A. Correct.

17 Q. Okay. But I -- I understand from your
18 daughter's testimony that there was some type of
19 cross placed in the area. Is that what you referred
20 to?

21 A. Yes.

22 Q. Okay. Have you -- now, to clarify again,
23 have you spoken with anyone who has told you that
24 they're a personal witness to the incident between
25 Johnny and the deputies on April 14th?

1 A. No.

2 Q. Okay. Have you ever talked with your
3 daughter, Kristina, about the incident with Johnny
4 and what happened or anything like that?

5 A. Yes.

6 Q. Okay. And out -- I don't want to know any
7 communications you had with your attorney or in the
8 presence of your attorney. So with that qualifier
9 and clarifier, what conversations have you had with
10 your daughter, Kristina, about Johnny's death?

11 A. Just that they already had shot him in the
12 back twice. Why couldn't have they done something
13 different than to shoot him in the head -- in the
14 back of the head? I just can't understand.

15 Q. And, again, I don't want any information from
16 your attorney, but have you ever read any reports or
17 watched any videos related to the incident with law
18 enforcement and Johnny?

19 A. No.

20 Q. Okay. When Johnny was incarcerated, did you
21 maintain communication with him?

22 A. Always.

23 Q. Okay. And how would he reach you?

24 A. Telephone calls, mail.

25 Q. Okay. Did you ever call him while he was in

1 custody?

2 A. No.

3 Q. Okay. Was it always calls from him to you?

4 A. Yes.

5 Q. Okay. And do you know how he was making
6 those phone calls to you?

7 A. I put money on the phone for him.

8 Q. Okay. Were you aware of any cell phone in
9 his possession that he was using to call you?

10 A. No, it was a payphone.

11 Q. You think he was using a payphone at the
12 jail? Is that what you're talking about?

13 A. Yes.

14 Q. Okay. What about when he was at the fire
15 camp? Do you know how he was contacting you?

16 A. He wouldn't contact me.

17 Q. Okay. Did you ever --

18 A. When he on the fire --

19 Q. I'm sorry, I didn't mean to interrupt you.
20 Can you -- can you repeat your answer?

21 A. He would never contact me on the fire camp.
22 There was no phones accessible to him except for
23 when he was in the prison camp.

24 Q. Okay. Do you know if he was in possession of
25 a cell phone that allowed you to communicate with

1 him when he was at the fire camps?

2 A. Not that I know of.

3 Q. Okay. So it's your testimony that you never
4 spoke with him at any time while he was at the fire
5 camps; is that correct?

6 A. I believe so.

7 Q. Well, you believe so. Did you make any phone
8 calls to him when he was at the fire camps?

9 A. No.

10 Q. Okay. Did you receive any phone calls or
11 texts from him while he was at the fire camp?

12 A. I don't believe they had a phone available
13 for him.

14 Q. Okay. Do you know what years he was at the
15 fire camp?

16 A. All the times he was in prison, he always got
17 to the fire camp.

18 Q. So when he was incarcerated in an actual jail
19 or prison, not at the fire camp, how often would you
20 speak with him on the phone?

21 A. Every day sometimes.

22 Q. And then you said also through mail; is that
23 correct?

24 A. Mm-hmm.

25 Q. Yes?

1 A. Yes.

2 Q. Okay. When he wasn't in custody, how often
3 would you say you saw him?

4 A. Three, four times a week.

5 Q. Okay. And where would you see him?

6 A. He'd come to my house, or I would take
7 groceries to him, or take gas.

8 Q. Where was he living when you would bring him
9 groceries or get him gas?

10 A. On mount -- off of Mountain Street.

11 Q. In what city is that?

12 A. Paris.

13 Q. Okay. Is that the trailer that you were
14 talking about earlier? Is that the same location?

15 A. Mm-hmm.

16 Q. Yes?

17 A. Yes.

18 Q. Okay. Other than living in that trailer, do
19 you know any other locations he lived in?

20 A. He lived all around Paris in different
21 people's homes, you know, but I don't know --

22 Q. Do you know what -- sorry, I didn't mean to
23 cut you off. Did -- do you know who owned the
24 trailer that Johnny was living in?

25 A. Can't think of his name. He died. He

1 recently died.

2 Q. Okay. Was it like a -- a male friend of some
3 sort or acquaintance of Johnny's?

4 A. Yes.

5 Q. Okay. Not -- not a family member; is that
6 accurate?

7 A. No, no family.

8 Q. Okay. Do you know approximately what time
9 period he lived at that trailer?

10 A. Off and on -- off and on for years.

11 Q. And, again, so other than the times he would
12 stay at the trailer or with you sometimes, do you
13 know any other locations he -- he lived at at any
14 time as an adult?

15 A. The land -- BLM, Bureau of Land Management,
16 or something like that. He had a bunch of friends
17 down that way.

18 Q. What are you referring to? Are you talking
19 about like open land? BLM land?

20 A. Yeah, the land. It's open land.

21 Q. Okay. Was he just living on the land or was
22 there some type of property that you're -- that
23 you're referring to?

24 A. Well, it was people that he knew.

25 Q. Did you ever visit him at that -- at that

1 location?

2 A. Oh, no. You had to have four-wheel drive to
3 get back there.

4 Q. Okay. Do you know the names of any of the
5 people that he lived with at that time?

6 A. I didn't know of them.

7 Q. Okay. Do you know the time period where he
8 was living at the -- on this BLM land?

9 A. I didn't know any of them.

10 Q. No, the time period that he -- he lived
11 there?

12 A. All the time, off and on whenever he got out
13 of prison or -- he was always out that way.

14 Q. Did you provide financial support to Johnny
15 at any time during his adult life?

16 A. Yes.

17 Q. Okay. How often would you say you -- you
18 would give him money?

19 A. Every time I saw him it seemed like.

20 Q. Okay. Did he ever give you money?

21 A. No.

22 Q. Okay. Did he ever buy you groceries instead
23 of you buying him groceries?

24 A. No.

25 Q. Okay. And then you said gas, you would get

1 him gas. Did he ever get you gas?

2 A. No.

3 Q. Okay. Back in around 2022, did you ever
4 speak with Kristina, your -- your daughter,
5 Kristina, about an investigation related to your
6 son?

7 A. No.

8 Q. Okay. She -- she never told you anything
9 about an ongoing investigation by the Riverside
10 Sheriff's Department and your son?

11 A. No.

12 Q. Related to any type of allegations of
13 inappropriate touching at her residence?

14 A. No. I never heard of that, and I -- my son
15 never talked to me about anything neither.

16 Q. Did you say Melissa, or did you say Kristine?
17 I'm sorry.

18 A. Never.

19 Q. Okay. Were there ever any times that you and
20 your granddaughters would be on the phone with
21 Johnny in your presence?

22 A. No.

23 Q. Okay. Since Johnny's passing, have you
24 sought any type of counseling or therapy?

25 A. One session. I did.

1 Q. Okay. And when was that?

2 A. About a month after he passed.

3 Q. Do you recall the name of the counselor or
4 the therapist that you saw?

5 A. I can't think of her name. It's what happens
6 when you get old, forget everything. I can't think
7 of her name.

8 Q. How about where did you see this counselor or
9 therapist?

10 A. Lake Elsinore Mental.

11 Q. You say Lake Elsinore Mental?

12 A. Mental clinic.

13 Q. Okay. Is that the name that you recall?

14 A. Uh-huh.

15 Q. Specifically, that name?

16 A. Yes.

17 Q. Okay. And you only did, I think you said one
18 session about a month after your son's passing; is
19 that -- is that accurate?

20 A. Yes. She was a therapist and I saw her once,
21 and then they had me go to a side doctor. He was
22 treating me pills and I -- I didn't like that.

23 Q. Okay. So she sent you or referred you
24 somehow to a -- a psychiatric doctor who prescribed
25 you medication?

1 THE COURT REPORTER: I didn't hear that.
2 I'm sorry. Please, repeat your answer.

3 THE WITNESS: Yes. I understood what
4 she said. No. They were in the same clinic, and in
5 order for me to see the therapist, I have to see a
6 psychiatric doctor, whatever it is.

7 BY MS. ANDERSEN:

8 Q. Okay. Do you recall the name of the
9 psychiatrist that you saw at that clinic?

10 A. Wait a minute, Boba or something.

11 Q. Would -- I mean, can you spell that if you
12 can?

13 A. B-O-B-A.

14 Q. Okay. That's what it sounded like. Okay.
15 Did you only see that psychiatrist one time?

16 A. I think it was like three times.

17 Q. Okay. And when was the first time you saw
18 that psychiatrist?

19 A. Maybe a month and a half after Johnny's
20 death.

21 Q. Okay. Would -- would that have been then,
22 after you initially saw that -- that therapist at
23 the same clinic?

24 A. Yes. Yes.

25 Q. Okay. And then you said three times, you

1 know what -- when was the second time you saw that
2 psychiatrist?

3 A. I had allergic reaction to the medication he
4 gave me.

5 Q. What medication did he prescribe to you?

6 A. I -- I have no clue what it was, but it
7 really -- I had big old welts all over me and
8 everything and he -- he let me stop it and he gave
9 me some other stuff, but I -- I -- I didn't really
10 want medication. I didn't -- after that, I didn't
11 want anything, any help like that.

12 Q. Okay. So the -- how -- how -- how soon after
13 the first appointment did you have that second
14 appointment to talk about the medication with the
15 psychiatrist?

16 A. I think it's, like, 30 days.

17 Q. Okay. And then I think you said there was a
18 third appointment; is that true?

19 A. Yes.

20 Q. Okay. How -- how close in time to the second
21 appointment was that third appointment?

22 A. I believe it's 30 days.

23 Q. Okay. By the time of the third appointment,
24 were you taking any of the -- the medications that
25 this doctor had prescribed?

1 A. Yes. The second medication. Yes.

2 Q. Okay. Do you recall the names right now of
3 either of those medications you were prescribed?

4 A. I never heard of them in my whole life, and I
5 just -- I just decided that, you know what -- what
6 -- what are they giving me? I mean, I wasn't
7 feeling any different or it's weird.

8 Q. Do you know what they were for? Maybe not --
9 you don't know the name of them, but did the doctor
10 tell you what they were prescriptions for?

11 A. He said all kinds of things were wrong with
12 me. Depression -- oh, I have a list at home. It
13 was ridiculous.

14 Q. Okay. And let's say before your son's
15 passing, had you ever sought any type of mental
16 health treatment?

17 A. No.

18 Q. Okay. So this was the first time you had
19 ever sought mental health treatment, that's about a
20 --

21 A. Right.

22 Q. -- month after the incident?

23 A. Right.

24 Q. Okay. Did you talk with these therapists or
25 the therapist or the psychiatrist about your son's

1 passing and its effect on you?

2 A. The therapist I did.

3 Q. Okay. What kind of things did you talk about
4 with the therapist related to your son's passing?

5 A. Well, I was real -- I -- I -- I was scared
6 because I didn't know if he suffered or what was
7 going on. And I told her, I -- you know, I can't
8 get over it. And she says my son was standing right
9 next to me and that brought me comfort. But --

10 Q. The -- just to clarify, the therapist told
11 you that your son was standing next to you at the
12 time --

13 A. Uh-huh.

14 Q. -- at the time of the appointment?

15 A. Yes.

16 Q. Okay. Did you talk with her about what
17 happened during the incident or anything like that?

18 A. Yes. I did.

19 Q. Okay. What did you tell her?

20 A. I told her about the police dog.

21 THE COURT REPORTER: I didn't hear. I'm
22 sorry. You told her about?

23 THE WITNESS: About him shooting the
24 police dog.

25 THE COURT REPORTER: The police dog?

1 THE WITNESS: Uh-huh.

2 BY MS. ANDERSEN:

3 Q. Who did you -- who did you tell the therapist
4 shot the police dog?

5 A. My son.

6 Q. Okay. And then what else about the incident
7 did you talk to the therapist about?

8 A. I just told her I couldn't believe that he
9 would do something like that. You know, because he
10 -- he wasn't like that. And I told -- told her I
11 felt lost because I didn't know if he made it to
12 heaven or what. You know, did he suffer? I was
13 just so scared. And she goes, no, he -- he is
14 standing right next to you. He is telling you that
15 he's okay.

16 Q. Okay. Did you ever go back to that therapist
17 for any therapy or counseling sessions?

18 A. No. I didn't.

19 Q. Was there a reason? Oh, I'm sorry. Go
20 ahead.

21 A. She was really busy and I felt like she
22 didn't have time.

23 Q. Okay. Did you ever try to get an appointment
24 with a different therapist or counselor, either at
25 that facility or a different facility?

1 A. No. I didn't.

2 Q. Okay. Are you still taking that -- the
3 medication prescribed by that psychiatrist at the
4 clinic?

5 A. Oh, no.

6 Q. Okay. What -- when did you stop taking that
7 medication -- the second medication?

8 A. Like two weeks after the last time I saw him.

9 Q. Okay. Was there a specific reason you
10 stopped?

11 A. Excuse me.

12 Q. Was there a specific reason why you stopped
13 taking that medication?

14 A. I didn't see any difference -- any difference
15 in my feelings. I was still feeling the same, you
16 know. I guess, I was expecting a miracle.

17 Q. Okay. Did you ever go back to the
18 psychiatrist or attempt to make another appointment
19 with the psychiatrist to discuss the medications?

20 A. Yes.

21 Q. What -- after the third time? I'm sorry,
22 maybe I should clarify --

23 A. No. No.

24 Q. No? Okay. Since stopping taking that second
25 medication, have you taken any other medication for

1 any, like, mental health, things related to your
2 son's passing?

3 A. No.

4 Q. So, I want to ask you just again about S.L.
5 and V.L. because you have maintained contact with
6 them. Did you notice any changes in their behavior?
7 We can take one at a time. So let's do S.L. first.
8 So did you notice any changes in S.L.'s behavior
9 from before her father passed to after he passed?

10 A. Yeah. I do.

11 Q. Okay. Can you tell me what those -- what
12 those are -- what those changes were that you
13 noticed?

14 A. She's sad. She doesn't say much anymore.
15 She used to color and draw and be all over me, and
16 now she's like this --

17 THE COURT REPORTER: I'm sorry. I need
18 you to repeat that, ma'am. I -- I'm sorry. She
19 doesn't say much anymore. She's -- please repeat
20 your answer?

21 THE WITNESS: She's distant. She's,
22 like, into her own little world.

23 BY MS. ANDERSEN:

24 Q. Did you -- do you know the last time she
25 spoke with her father, your son, before the

1 incident?

2 A. No. I'm not sure.

3 Q. Okay. When did you notice those changes in
4 her behavior?

5 A. She's around me all the time.

6 Q. Yeah. I meant, like, what -- what -- maybe
7 my question wasn't right. Approximately what time
8 period? Was it around your son's passing?

9 A. Yes.

10 Q. Okay. And then what about V.L.? Let's talk
11 about V.L. Have you noticed any changes in V.L.'s
12 behavior from before her father's passing to after?

13 A. No. I -- I am not around her. She lives in
14 Oklahoma, so I don't really see her.

15 Q. Do you know approximately when she moved to
16 Oklahoma?

17 A. Not offhand. It's been a couple years.

18 Q. Okay. Did the therapist or the psychiatrist
19 or anyone do you -- I -- I think you said there was
20 a whole list of things they -- they diagnosed you
21 with. Do you recall any of the diagnoses you
22 received from that clinic in Lake Elsinore after
23 your son's death?

24 A. I didn't understand the question.

25 Q. Yeah. You -- you said there was a list of

1 things they -- they diagnosed you with, if I'm
2 understanding what you said correctly. Do you
3 recall any of the diagnoses you received from either
4 the therapist or the psychiatrist you saw after your
5 son's death?

6 A. Well, I -- I didn't realize that he -- he had
7 all these different things down and I'm going, what
8 the heck is this? I didn't understand it, to be
9 honest with you.

10 Q. Okay.

11 A. I didn't understand how he came up with all
12 of that.

13 Q. Okay. And this -- this question, can you
14 tell me a bit about how your son's passing has
15 affected you?

16 A. I'm lost. Not like this. I'm not myself
17 anymore. I'm withdrawn. I don't do anything
18 anymore. I just feel so scared, and sad. He was a
19 big part of my life. He used to come over and we'd
20 sit down and we'd talk about music and tell me not
21 to worry that everything's going to be all right.
22 He always told me, don't let nobody get you down,
23 mom. You're a beautiful person. He used to tell me
24 how nice and sweet. I was -- I was always there for
25 him. I always believed in him. I told him, don't

1 ever give up. You'll get it right one day.

2 Q. I think you mentioned -- you said you were
3 scared now. Can you tell me what -- what are you
4 scared of?

5 A. I'm scared that I'm by myself now. I don't
6 have him and he's always come -- make me feel good,
7 make me feel better inside, cheer me up, make me
8 laugh. I'm really scared without him. And I was
9 scared that -- that -- when they shot him, I was so
10 scared that he was laying there and I don't know
11 whether he died instantly or if he laid there and
12 heard all the cops saying whatever they were saying.
13 I don't know. But that terrifies me.

14 Q. Had you ever seen your son with a gun before
15 this incident?

16 A. No. I never saw him with any kind of bombs
17 or anything. I never saw him with -- like that.

18 Q. Did you know if he ever owned a gun at any
19 time as an adult?

20 A. No. I never -- never knew that.

21 MS. ANDERSEN: Okay. I don't have any
22 more questions for Ms. Campbell.

23 MR. MARKS: Right. Very good.

24 THE COURT REPORTER: Okay. Mr. Marks,
25 do you want to order a copy of the transcript.

1 MR. MARKS: Please?

2 THE COURT REPORTER: All right. And I
3 may have some spelling questions. Okay. Go ahead.

4 THE VIDEOGRAPHER: Are you ready to
5 conclude the deposition.

6 MS. ANDERSEN: Yes.

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EXHIBIT 18

EXHIBIT 18

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CASE NO.: 5:24-cv-00249-CAS (SPx)

-----x

Johnny Ray Llamas,
Plaintiffs,

V.

County of Riverside,
Defendants.

-----x

October 23rd, 2024
Deposition via Zoom.

1 A P P E A R A N C E S

2 Appearing on behalf of the plaintiff and the witness:

3 BY: LAWRENCE MARKS, ESQ

4

5 Appearing on behalf of the defendants:

6 BY: KAYLEIGH ANDERSEN, ESQ

7

8 Appearing on behalf of Plaintiff V.L.:

9 BY: SHANNON LEAP, ESQ

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I N D E X

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WITNESS

EXAMINATION

PAGE

4

KRISTINE ROSE LLAMAS-LEYVA

5

DIRECT EXAMINATION

6

BY MS. ANDERSEN

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18 THE VIDEOGRAPHER: We are now on the record. This
19 begins Videotape number 1 in the deposition of GAL
20 Kristine Llamas Leyva in the matter of Johnny Ray
21 Llamas vs. County of Riverside in the United States
22 District Court, Central District of California.
23 Today is October 23rd, 2024. The time is 10:34 a.m.
24 The case number is 524-CV-00249-CAS PX. This
25 deposition is being taken remotely at the request of

1 Manning & Kass. The videographer is Victor Salcedo
2 (phonetic) of Magna Legal Services and the court
3 reporter is Kathleen McLaughlin of Magna Legal
4 Services.

5 Will counsel and all parties present state their
6 appearances and whom they represent?

7 MR. MARKS: Lawrence Marks, on behalf of
8 plaintiffs.

9 MS. LEAP: Shannon Leap, on behalf of
10 plaintiff V.L.

11 MS. ANDERSEN: Kayleigh Andersen, on
12 behalf of the defendants.

13 THE VIDEOGRAPHER: Will the court
14 reporter please swear in the witness.

15 THE COURT REPORTER: Ms. Leyva, please
16 raise your right hand. Do you solemnly state the
17 testimony you're about to give in this proceeding
18 shall be the truth, the whole truth, and nothing but
19 the truth?

20 THE WITNESS: Yes.

21 (Whereupon, the witness was duly sworn.)

22 THE COURT REPORTER: Thank you.

23 Whereupon,

24 K R I S T I N E R O S E L L A M A S - L E Y V A ,
25 having been first duly sworn, was examined and testified

1 as follows:

2 DIRECT EXAMINATION.

3 BY MS. ANDERSEN:

4 Q. All right. Good morning. Can you please
5 state and spell your full name for the record?

6 A. Kristine, K-R-I-S-T-I-N-E. Rose, R-O-S-E.
7 Llamas, L-L-A-M-A-S. Leyva, L-E-Y-V as in Victor,
8 A.

9 Q. Do you prefer to be called Ms. Llamas? Ms.
10 Leyva? Ms. Llamas-Leyva? What do you prefer?

11 A. Ms. Leyva.

12 Q. Okay. Great. Have you ever had your
13 deposition taken before?

14 A. No.

15 Q. Have you ever testified in court before?

16 A. No.

17 Q. Okay. So I'll go over some of the ground
18 rules. You heard a little bit of it during
19 plaintiff S.L.'s deposition this morning, but I'll
20 go over it and elaborate a bit further?

21 So a deposition is a question and answer
22 session, so I'm going to be asking you questions,
23 you provide your best answer. There's a court
24 reporter here who is taking down everything that is
25 said. So I just ask you to continue giving verbal

1 responses to my questions as opposed to nodding or
2 shaking your head or Eva's -- even, mm-hmm, or,
3 uh-huh's, because those don't reflect well in a
4 transcript. Does that make sense?

5 A. Yes.

6 Q. After this deposition, once the transcript is
7 completed, you'll be provided an opportunity to
8 review it and make any changes you deem appropriate.
9 I'll just caution you that if you make substantive
10 changes to your testimony, it could affect your
11 credibility and I and other attorneys may be able to
12 comment on that at the time of trial. Do you
13 understand that?

14 A. Yes.

15 Q. Do you understand that the oath that you took
16 at the beginning of this deposition is under penalty
17 of perjury?

18 A. Yes.

19 Q. Okay. So from time to time, your attorney,
20 Mr. Marks or even Ms. Leap, may have objections to
21 my question. Please allow them to state those
22 objections for the record before you proceed with
23 your answer that keeps the record clear so we're not
24 speaking over each other, which I understand can be
25 difficult over Zoom, but does that make sense?

1 A. Yes.

2 Q. Okay. At no point today do I want you to
3 guess or speculate, but I am entitled to your best
4 estimate. Do you understand the difference between
5 a guess and an estimate?

6 A. Yes.

7 Q. Okay. If you don't understand my question,
8 please let me know and I'll do my best to rephrase
9 it, okay?

10 A. Yes.

11 Q. If you need a break at any time today, I
12 don't anticipate going too long, but if you do need
13 a break at any time, please just let me know and we
14 can take a break. But if there is a question
15 pending, I ask that you answer that question before
16 we go ahead and take a break, okay?

17 A. Yes.

18 Q. Is there any reason that would prevent you
19 from going forward with your deposition today?

20 A. No.

21 Q. Have you had any drugs or alcohol in the last
22 24 hours that would impair your ability to give your
23 best testimony today?

24 A. No.

25 Q. Okay. Have you reviewed anything in

1 preparation for your deposition?

2 A. No.

3 Q. Have you ever spoken with anyone from the
4 Riverside County Sheriff's Department about the
5 incident between Mr. Llamas and the Riverside County
6 Sheriff's Department deputies on April 14th, of
7 2023?

8 A. No.

9 Q. Okay. Other than Kristine Rose Llamas Leyva,
10 have you gone by any other names in your lifetime?

11 A. No.

12 Q. What's your date of birth?

13 A. 7/23/82.

14 Q. And do you currently live in Lake Elsinore
15 with S.L.?

16 A. Yes.

17 Q. Okay. Does anyone else currently live with
18 you at that -- that home?

19 A. Yes.

20 Q. Who else lives with you in the same residence
21 as S.L.?

22 A. My ex-husband, Christopher Leyva, my daughter
23 Sariah Leyva, and from time to time my son Ray
24 Leyva.

25 Q. And other than those individuals, has anybody

1 else lived with you and S.L. in the same residence
2 since 2020?

3 A. Since 2020? No. Can you rephrase that
4 question? I don't know why it's --

5 Q. Of course. So you listed a couple
6 individuals that currently live with you and S.L.
7 at the same residence, so since 2020, has there been
8 any other individuals that also lived with you and
9 S.L. in the same residence other than who you
10 already listed?

11 A. Johnny Llamas lived with us for a short
12 period of time in 2020.

13 Q. Okay. Between 20 -- between that point in
14 2020 and 2023, did he live with you?

15 A. No.

16 Q. Okay. So I guess between 2021 and 2023; it's
17 correct that Johnny did not live with you?

18 A. Correct.

19 Q. Okay. Do you know where Johnny lived between
20 2021 and 2023?

21 A. Johnny was incarcerated and when he was
22 released, I don't know the exact month of 2022, from
23 that time on, he would reside basically wherever he
24 could. He was pretty much homeless at that point.

25 Q. Okay. What is your relationship to plaintiff

1 S.L.?

2 A. I am her adoptive mother. I'm actually her
3 biological aunt, but I've had her since she was 10
4 months old, so I am her mother. I have adopted her.

5 Q. Okay. What -- what was her biological
6 mother's name?

7 A. Janelle Brown (phonetic).

8 Q. Okay. And her biological father is Johnny
9 Ray Llamas, correct?

10 A. Yes.

11 Q. Okay. And are you Johnny Ray Llama's sister?

12 A. Yes.

13 Q. Okay. Between S.L.'s birth in 2013 and 2020,
14 when you stated that Johnny lived with the two of
15 you, did Johnny live with you at any other point
16 between 2013 and 2020?

17 A. Yes.

18 Q. Okay. What -- approximately what time period
19 or periods?

20 A. He briefly lived with us, and this is
21 approximately, this isn't going to be an exact date.
22 I want to say when Sophia was about three or four,
23 he resided with us just for a few months in and out.
24 Let me be clear about that. When I say, reside, he
25 would spend a few nights there and -- but his

1 clothes were there. That was basically a place for
2 him to keep his belongings safe because he was
3 pretty much homeless. And -- but during Sophia's
4 birth and the time of his death I would say he lived
5 with -- lived with us probably three, maybe four
6 times.

7 Q. Okay. And so I -- I know that she's your
8 daughter and I keep hearing you say her -- her true
9 name. I want to -- I know, I know it's very
10 difficult because I understand she's your daughter.
11 But let's call her S.L. just to again, protect her
12 identity. I don't know if we can change that in the
13 transcript?

14 MR. MARKS: Yeah. I think I -- I -- I
15 think what we could do, and I've done this in other
16 depositions before, is allow Kristine just to use
17 her name and we'd ask the court reporter anytime she
18 uses her name instead of typing the name instead
19 just put the letters S.L?

20 MS. ANDERSEN: That's completely fine
21 with me.

22 MR. MARKS: So, Ms. Reporter, you're
23 good with that?

24 THE COURT REPORTER: Yes. Absolutely.

25 MS. ANDERSEN: Okay. Great.

1 MR. MARKS: Okay. Great. Thank you so
2 much.

3 MS. ANDERSEN: That makes it things a
4 lot easier.

5 BY MS. ANDERSEN:

6 Q. Okay. So in -- you said about three to four
7 times that Johnny lived with you and your daughter
8 S.L. approximately how long would he stay with you?
9 I -- was it a couple nights at a time or, you know,
10 what -- what time periods are we looking at for
11 those three to four times?

12 A. A couple of months at a time. It would vary
13 but in 2020 was probably the longest that he -- 2019
14 to 2020 was probably the longest period that he had
15 stayed with us, which was approximately four to five
16 months, give or take.

17 Q. Okay.

18 A. Prior to that it might've been a month or so,
19 maybe two months. It wasn't too long.

20 Q. Okay. Do you have S.L.'s birth certificate?

21 A. I do. I have it. I didn't bring it with me.
22 No.

23 Q. Yeah. That's okay. You don't -- you don't
24 need to have it right now. But you are in
25 possession of it at -- somewhere?

1 A. Oh, yes.

2 Q. Okay. And is Johnny listed as the father on
3 her birth certificate?

4 A. Not on the one where I'm listed as the
5 mother. No.

6 Q. Not the adopted one?

7 A. No. And I'm not sure about the original with
8 her biological mother. He's probably is on that
9 one.

10 Q. Okay.

11 A. I don't know for sure.

12 Q. Have you ever seen that -- the original one?
13 Like not the adopted one, but the one with her birth
14 mother?

15 A. I have not.

16 Q. Okay. Your -- your ex-husband, Mr. Leyva, he
17 currently lives with you; is that correct?

18 A. Yes.

19 Q. Has he adopted plaintiff S.L. in any way?

20 A. No.

21 Q. Legally? Okay. Did any of Johnny's other
22 children ever live with you at any point in time?

23 A. No.

24 Q. Do you know how many other children Johnny
25 had?

1 A. One other child.

2 Q. Okay. And do you know what -- by initials
3 only, do you know her initials?

4 A. V.L.

5 Q. Okay. So, V.L. never lived with you and
6 S.L. in the same house between 2013 and 2023; is
7 that correct?

8 A. No. Correct.

9 Q. Okay. Do you know who V.L.'s mother is?

10 A. Yes.

11 Q. Okay. And what -- what's her name?

12 A. Amber Sietsinger.

13 Q. Okay. I'm not going to attempt to say that
14 last name, but Amber, have you ever spoken to her
15 about Johnny since his passing?

16 A. Yes.

17 Q. Okay. And -- and I'm going to say outside
18 the presence of your attorney or even his -- her
19 attorney have you spoken to her about Johnny since
20 2023?

21 A. I have spoken to her. I'm trying to think if
22 it was in regards to Johnny. Yes. I believe there
23 was one conversation when he initially passed away.
24 I had one conversation with Amber in regards to
25 Johnny.

1 Q. Do you recall the substance of that
2 conversation with her?

3 A. Yes. She was -- we were both very upset and
4 she had informed me that V.L. was not taking it too
5 well. That's basically what the conversation
6 centered around was how V.L. was handling the death
7 of her father and how Amber was going to proceed
8 moving forward. You know, in her life she was
9 pretty shocked.

10 Q. Okay. Do you -- do S.L. and V.L., let's say
11 since 2023, do they see each other?

12 A. Not see, they do talk. V.L. lives in
13 another state, which makes it difficult, but last
14 summer V.L. came out. The visit was supposed to be
15 with her dad with Johnny, but he had passed away in
16 April. So, V.L. still was able to come out and
17 that's when she got to see S.L. and they spent a
18 weekend together --

19 Q. Okay.

20 A. -- celebrating S.L.'s birthday.

21 Q. Okay. So during, let's say S.L.'s life
22 between 2013 and 2023, before Johnny passed, did
23 S.L. and V.L. see each other?

24 A. See each other? No. Talk to each other?
25 Occasionally.

1 Q. Okay. How long -- as -- as far as you know,
2 how long has V.L. lived out of state?

3 A. I'm going to guesstimate about two years.

4 Q. Okay.

5 A. Could be a little less.

6 Q. Okay. You mean from today, like, two years
7 as of today approximately?

8 A. Yeah. I'd say about two years -- no. Maybe
9 longer than -- she was already living out there when
10 Johnny passed away, which was April of '23. I want
11 to say she left probably January or February of '23.
12 Okay. And she has remained out in the other state
13 since.

14 Q. Okay.

15 A. I can't do the math. I can't think about
16 that right now, but (inaudible)--

17 Q. That's okay.

18 A. -- that is --

19 Q. That's okay. That's okay. I understand
20 everything is an estimate or an approximation. You
21 know, I -- I don't need specific dates, but just do
22 your best to give me your best estimate. Okay. Did
23 Johnny have any type of legal custody over S.L. at
24 any time during her life?

25 A. No.

1 Q. Okay. Did he ever, as far as you know,
2 because you're her adopted mother petition the Court
3 for any type of custody or visitation with S.L.?

4 MR. MARKS: Lacks foundation calls for
5 speculation? You can answer if you know.

6 THE WITNESS: I don't know.

7 BY MS. ANDERSEN:

8 Q. Okay. And do you have any other children
9 other than S.L.?

10 A. My own biological children, yes.

11 Q. Okay. And what are their names?

12 A. Sariah Leyva, Ray Leyva, Carolyn Leyva.

13 Q. Okay. And how old are those three? Your
14 biological children?

15 A. Sariah Leyva is 17, Ray Leyva is 19. Carolyn
16 Leyva is 22.

17 Q. Are you currently married?

18 A. No.

19 Q. Okay. Do you know if Johnny was ever
20 married?

21 A. No. He was never married.

22 Q. Other than the times that he lived with you
23 and S.L. between S.L.'s birth in 2013 and
24 approximately 2020 before he was incarcerated, do
25 you know the locations of anywhere else Johnny

1 stayed or lived during that time period?

2 A. I'm sorry, can you repeat that question.

3 Q. Of course. It was a very long question. So
4 you mentioned there were about three to four time
5 periods between 2013 and 2020 where Johnny would
6 live with you for a couple months or so at a time,
7 okay? Is that accurate?

8 A. Yes.

9 Q. Okay. Other than those times where he was
10 living with you, where you knew where he was living,
11 do you know any other places he lived between 2013
12 and 2020?

13 A. Okay. Between 2013 and '20. Oh, Sophia --
14 yes. He resided with my mother Carolyn Campbell.
15 And that's the only solid residence that I could say
16 for sure that he resided at, was on the Green
17 (inaudible) address with my mother.

18 Q. Okay. Other than Johnny, do you have any
19 other siblings?

20 A. Yes.

21 Q. How many?

22 A. One.

23 Q. Okay. And what's that sibling's name?

24 A. Michelle Armijo (phonetic).

25 Q. Okay. Was that -- I think that was the aunt

1 that your daughter S.L. referred to Michelle?

2 A. Yes.

3 Q. Okay. That's -- that's her aunt as well,
4 correct?

5 A. Correct.

6 Q. Do you know if Johnny had any other siblings
7 outside of you and Michelle?

8 A. Yes. I left out my half sibling Juanita
9 Anaya (phonetic). She is -- Johnny and my sister
10 from my dad's side. Michelle has a different dad.
11 We all share the same mom. We have two separate
12 fathers. So, Johnny and I have a sister by the name
13 of Juanita Anaya and S.L. doesn't know her. She's
14 only met her once.

15 Q. Okay.

16 A. And Michelle Armijo (phonetic) is our other
17 sister who -- we never split any -- you know, she's
18 our sister.

19 Q. Right. Do you and Johnny then share -- share
20 the same mother and father?

21 A. Yes.

22 Q. Okay. What's your father's name?

23 A. Manuel Gonzalez.

24 Q. Okay. Is he still alive?

25 A. No, he is not.

1 Q. Okay. Can I ask when he passed?

2 A. 2004.

3 Q. Okay. A little bit of background now.

4 What's your highest level of education?

5 A. I have an associate's degree in
6 administration of justice.

7 Q. Okay. And are you currently employed?

8 A. Yes.

9 Q. And how are you employed?

10 A. I'm employed by the Lake Elsinore Unified
11 School District.

12 Q. In -- in what capacity?

13 A. I am a paraeducator with children with
14 special needs.

15 Q. And I just have to ask this, I'm going to
16 assume the answer is no, but within the past 10
17 years, have you been convicted of a felony?

18 A. No.

19 Q. What was Johnny's highest level of education?

20 A. Good question. I believe he finished middle
21 school.

22 Q. Okay. So as far as you're aware, he did not
23 attend any high school?

24 A. He did not attend any public high school, no.
25 He did attend schooling in prison while he was in --

1 one of his times in prison he was studying for his
2 GED.

3 Q. Okay. Do you know if he ever obtained his
4 GED?

5 A. Not that I know of.

6 Q. Okay. Do you know whether he attended any
7 trade schools or, you know, obtained any trade
8 certificates or anything like that?

9 A. While he was incarcerated he did attend the
10 fire camp, completed it, several times. He has
11 certificates. I do believe I have them at home of
12 his completions of the fire camps, he was able to go
13 out on the -- the fires and participate in that.

14 Q. Okay.

15 A. But other than that, there was no other trade
16 schools outside. No.

17 Q. Okay. So do you know whether Johnny had ever
18 been convicted of a felony in his adult life?

19 A. Yes. Yes.

20 Q. Okay. Since he turned 18, let's focus on
21 that time period between eight -- when he turned 18
22 and went -- you know, his passing in 2023, just that
23 time period is what I'm asking about. Do you recall
24 the first time he was convicted of a felony in that
25 time period?

1 A. I cannot recall the first time he was
2 convicted. No.

3 Q. Do you recall approximately how many separate
4 times he was convicted of a felony in that time
5 period?

6 A. I know he was convicted. I don't know how
7 many times he was convicted, but I do know that he
8 had felony -- felonies on him. But I don't know how
9 many times he had been convicted. I couldn't give
10 you an answer.

11 Q. Okay. Do you know the -- the nature of the
12 charge of any of his actual felony convictions?

13 A. They would've been auto -- auto theft.

14 Q. Anything other than auto -- auto theft that
15 resulted in a felony conviction during that specific
16 time period?

17 A. Not that I'm aware of, no.

18 Q. This is -- this may be hard to estimate as
19 well, but in that same time period, do you know how
20 many separate time periods he spent incarcerated?

21 A. And that -- can you give me the time period
22 again.

23 Q. Again, from the time he reached the age of
24 18, so as an adult to 2023.

25 A. And repeat the question.

1 Q. How many separate incarcerations, if you can
2 estimate for me, did he have?

3 A. An estimate, yes, maybe about -- an estimate,
4 probably about five times.

5 Q. Okay.

6 A. And that could be like more on the higher
7 end, I'm thinking.

8 Q. Yes. I -- I just asking for your best
9 estimate. I -- I understand it could be off one,
10 two, you know, however many. It's as far as you
11 know as well. Let's see. Were all of those times,
12 as far as you can recall, again, in that time period
13 when he was incarcerated in a county jail facility
14 or were any prison?

15 A. Somewhere in the county. Somewhere in a
16 prison.

17 Q. Okay. Do you -- oh, go ahead.

18 A. If you want to repeat that question again,
19 maybe I can give you a better answer.

20 Q. Yeah. So my -- my last question to you,
21 which led to your response being approximately five
22 times, five separate periods of incarceration
23 between the age of 18 and his passing. I'm asking
24 if any of those were in a county jail, all of those
25 were in a county jail, whether any were in prison,

1 you know, what's your best estimate of that
2 breakdown of how many were county jail and how many
3 were state prison incarcerations?

4 A. Thank you for repeating that. These were
5 state prison, however, he was held, I want to say
6 one to two times at a county -- at a county jail due
7 to the overcrowding at the prisons. So where he
8 should have been sent to the prison, he was held to
9 do his time at the county jail. But they -- four of
10 those five times I would say he was sent to a state
11 prison.

12 Q. Okay. Did you ever take S.L. to go visit
13 him during any of his incarcerations, I -- assuming
14 during her lifetime, obviously between 2013 and
15 2023?

16 A. No.

17 Q. Okay. But she did testify, obviously, as you
18 heard, that she did speak with him on occasion while
19 he was incarcerated; is that correct?

20 A. Yes.

21 Q. Okay. Do you recall approximately what time
22 period that was where she had communication with him
23 during his incarceration?

24 A. She talked to him all -- all the time up
25 until, this is an approximate, I want to say 2021.

1 She stopped talking to him over the phone while he
2 was incarcerated, but during those years, prior to
3 2021, she did speak to her father over the phone
4 pretty much every day.

5 Q. Was -- was there a reason that it stopped in
6 2021, the communication between S.L. and her
7 father?

8 A. Yes, I had some personal issues going on in
9 my life and I just didn't want to continue on with
10 the conversations at all.

11 Q. Between 2013 and 2023, did Johnny ever
12 provide you any type of financial support for S.L.?

13 A. Yes, he did.

14 Q. Okay. How often would he provide you
15 financial support for S.L.?

16 A. So around 2020 we were receiving stimulus
17 for the pandemic. Johnny would give me part of that
18 stimulus check to provide for her. Also while he
19 was out, he had provided me with -- with \$200 to --
20 excuse me, I need just a second. He had provided me
21 with \$200 out of his pocket for whatever I needed
22 pertaining, you know, to the household, which his
23 daughter was in the household. So -- so, you know,
24 whatever he got from his stimulus checks, he pretty
25 much handed me more than half. And he also, gave me

1 an extra \$200 from a job that he had done --

2 Q. Okay.

3 A. -- to get -- to get the groceries that I
4 needed for the house.

5 Q. Do you need to take a moment?

6 A. I'm sorry. No, I'll - I'll be okay. I
7 apologize.

8 Q. Okay. Just let me know if -- you don't need
9 to apologize, just let me know if you need a break
10 at any time. Okay?

11 A. Thank you.

12 Q. That \$200 that Johnny would give you for the
13 -- for the household expenses, when -- when did that
14 start?

15 A. So that was not a monthly occurrence. Johnny
16 didn't have a monthly amount of money that he got.
17 He didn't have an -- like a employment type of job
18 where he got money every single week. He would do
19 odd jobs. And that particular job, he had made
20 \$500.

21 Q. Okay. What -- what -- oh, I'm sorry. Go
22 ahead.

23 A. And he had given me the \$200 out of it.

24 Q. Okay. And approximately when was that?

25 A. That had to have been -- it was early COVID.

1 Early, maybe January, February. It's just when
2 COVID started to -- people started talking about it
3 and it started to get worse during that time so --

4 Q. Okay. Between 2013 and 2020 when COVID
5 started and those stimulus checks rolled in for
6 people, did you receive any financial support from
7 Johnny for S.L.?

8 A. Yes, I received. Let me stop. Let me have
9 you please, ask me that question again.

10 Q. Of course. So we've talked about the
11 stimulus checks and then the extra money he was
12 giving you from the job he was working on. But
13 between 2013 and 2020, let's say pre-COVID during
14 S.L.'s lifetime, did Johnny provide you any
15 financial support for S.L.?

16 A. Financial support if he had it, yes, he did.

17 Q. Do you know approximately how much he would
18 give you, let's say on a monthly basis, if you can
19 break it down that much for me?

20 A. It's hard to break it down monthly because
21 some months I wouldn't get anything at all, but if
22 he came, and his daughter needed diapers, you know,
23 he might slip me \$100. I shouldn't say he might, he
24 would slip me \$100. So if I had to break it down,
25 maybe a couple \$100 every other month, you know, but

1 you're asking monetary, like actual cash.

2 Q. Right.

3 A. But he would bring diapers, he would bring
4 formula, whatever I needed and this wasn't just for
5 my own child, but we're talking about S.L., but
6 whatever the household needed, or didn't need, he
7 showed up with a big thing of Costco toilet paper
8 before, you know, he was just -- he would just show
9 up with stuff. I didn't have to really ask for
10 anything. But if he had cash on him, you know, he
11 would -- he knew I didn't like to take money from
12 him because he -- he didn't have a -- like a steady
13 place to live.

14 So it was -- me being the older sister, it
15 was a little bit harder for me to take things from
16 him, but he would like leave it on the table when I
17 -- you know, and then I come back in and he's
18 already gone and leave me a note, "Here sis, I know
19 you need this." And he would leave it on the table,
20 whatever the cash was. Or he'd come and say, "I
21 brought toilet paper," you know, "I brought you
22 laundry soap." Just, you wouldn't really have to ask
23 for it. It's just what he thought my household
24 needed and that's what he would bring.

25 Q. Okay.

1 A. So, I don't know, you just wanted know
2 monetary, like actual physical money or things that
3 I needed for my home.

4 Q. No, I appreciate the extra information. My
5 focus is S.L., so that's why I was asking
6 specifically about S.L. But I do understand she's
7 living in your household, so I do appreciate the
8 additional information. Is there -- if you know, is
9 there a reason that you got custody of S.L. and not
10 Johnny back in 2013?

11 A. With Johnny when S.L. was born, he was
12 incarcerated. So, mom obviously, was not. Mom --
13 when I say mom, Janelle Brown, was not incarcerated
14 at the time. When Sophia was four months old,
15 Janelle lost --- Janelle Brown lost custody of her,
16 and I went through the court proceedings and all
17 this -- these things that you have to go through in
18 order to adopt her. So by the time she came to me
19 -- S.L. came to me, she was 10 months old. So both
20 mom and dad were incarcerated.

21 Q. Okay. When -- when was Johnny released from
22 incarceration, I guess, after S.L.'s birth?

23 A. Well, I'll tell you, I don't absolutely know
24 a date, but he was present for her first birthday.
25 I have pictures that I didn't bring of course, but I

1 do have pictures of her -- of those two present
2 together on her first birthday. So he was out prior
3 to her first birthday.

4 Q. Okay. Did he always celebrate S.L.'s
5 birthday with her if he was out of custody, I
6 assume?

7 A. If he was out of custody, and I can't tell
8 you when and where, I'd have to go back in her
9 pictures and look, but yes.

10 THE COURT REPORTER: I -- she froze.

11 MS. ANDERSEN: Okay. I thought it was
12 me. I'm sorry. I think we have to go off the
13 record because I can't hear anything.

14 THE VIDEOGRAPHER: You said you would
15 like to go off the record counsel.

16 MS. ANDERSEN: She's back. She's back.

17 MR. MARKS: She was frozen. I guess you
18 couldn't hear her or me.

19 MS. ANDERSEN: No.

20 MR. MARKS: But we were both talking.

21 BY MS. ANDERSEN:

22 Q. I'm sorry. You're going to have to repeat
23 yourself.

24 A. Yes, no problem. Yes, he was always present
25 at her birthday parties, birthday celebrations as

1 long as he was out of prison. So I don't know when
2 he was locked up, I'd have to look back at the
3 photos and see what pictures, you know, he was in at
4 what ages type of thing.

5 Q. Okay. I think you mentioned that Johnny did
6 have odd jobs, that's in -- during his adult life.
7 Do you recall any specific employment he held as an
8 adult?

9 A. Besides odd jobs.

10 Q. Yeah, I mean, you can give me sorts of odd
11 jobs.

12 A. Oh, well, Johnny would do yard work. He
13 would take in, what they call that? Junk metal. He
14 would randomly fix somebody's broken pipe in their
15 yard. He didn't necessarily hold a -- like a 9:00
16 to 5:00, W4 form thing he had to fill out. He
17 didn't hold one of those. Not that he didn't try,
18 but he wasn't successful in obtaining one of those
19 positions. But he was a really good handyman and
20 people hired him to fix things for him, you know,
21 and he was really strong so he would move things for
22 people. He was like a mover and those -- those are
23 odd jobs that he would -- that he would tell me
24 about, you know.

25 Q. Was it always self -- like self-employment

1 then?

2 A. Oh, yeah. Yeah.

3 Q. Okay.

4 A. That I know of. Yes.

5 Q. Yes. I -- I'm only asking as far as you --
6 you know. Okay.

7 A. I don't know if this makes a difference, but
8 I have this paper here, I told you guys he was in
9 the -- the firefighting training camps and he had
10 sent me this note and it says, "Kristine, please
11 look up and print out everything you know about
12 these two companies, UNAC and American Car Needs,"
13 and I might not be reading that word right. He was
14 trying to get into the private sector of the
15 firefighters because he knew he couldn't get into
16 CAL FIRE due to his -- his felony. So his heart,
17 and he spent a lot of time applying for the private
18 forestries, but they never called him -- they never
19 called him back before his passing.

20 Q. Okay. So as far as you know he didn't work
21 for either of those companies that he asked you to
22 look up; is that correct?

23 A. Correct.

24 Q. Okay. And the fire camps he was at, like the
25 firefighting camps that you refer to, that was

1 through his incarceration or was part of his
2 incarceration; is that correct?

3 A. Yes.

4 Q. Did he -- as far as you know, did he attend
5 any other types of either fire academy, fire camps
6 that weren't related to his incarceration?

7 A. No, he did not attend any. There were none
8 available.

9 Q. Okay. Now, again, this -- this is going to
10 be a silly question, but I just need to know the
11 full extent of your -- your personal knowledge. Did
12 you witness any part of the incident between Johnny
13 and the deputies with the Riverside County Sheriff's
14 Department on April 14th, 2023 when Johnny passed?

15 A. On that date, no.

16 Q. Okay. Did you see Johnny at any time on that
17 date?

18 A. Unfortunately not.

19 Q. Did you speak with him through any method on
20 that date?

21 A. Unfortunately not.

22 Q. Okay. Other than you learned from -- other
23 than what you learned from your attorneys, do you
24 know what happened during the incident between
25 Johnny and the deputies on April 14th, 2023?

1 A. Unfortunately not.

2 Q. Have you ever watched the video of the
3 incident?

4 MR. MARKS: I'm going to object that
5 that would've been -- if she did it would've been
6 with her -- her attorneys. So I'm going to object
7 to that. And it's not relevant whether she saw it
8 or not.

9 BY MS. ANDERSEN:

10 Q. Okay. Other than out -- you know, other than
11 sitting next to your attorney watching the video,
12 have you ever seen the video of the incident, like
13 on YouTube?

14 A. No.

15 Q. Okay. Have you ever -- do you know who
16 Priscilla Raju (phonetic) is?

17 A. Do I know her personally? No.

18 Q. Have you ever spoken to her at any time?

19 A. I have sent her a message on Facebook.

20 Q. Okay. What was the message to her?

21 A. I asked her if she could please tell me what
22 happened.

23 Q. Did she ever respond?

24 A. No, she did not.

25 Q. Okay. Have you ever attempted to contact her

1 any other way?

2 A. No.

3 Q. Okay. Had Johnny ever told you about

4 Priscilla Raju?

5 A. No.

6 Q. Okay. You said you don't know her
7 personally. What -- what do you know about her?

8 A. I was informed by another person that lives
9 in that area where he was killed that if -- that
10 Priscilla was with him that day that he passed away,
11 which is why I had reached out to her to find out
12 what had happened. And this is early days of me
13 finding out that my brother had passed away.

14 Q. Okay. Did you talk to any of the people who
15 lived in that area where the incident occurred?

16 A. I talked to one lady.

17 Q. Do you recall her name?

18 A. If I told you a name, it probably wouldn't be
19 correct. I can't even tell you what -- what her
20 name was. It was a very intense conversation. It
21 was right after passing. And what in the world was
22 her name? I don't recall her name. No, I don't.

23 Q. Okay. Do you recall the substance of your
24 communication with her?

25 A. Yes.

1 Q. Okay. What -- what did -- what did you ask
2 her?

3 A. I had asked her what had happened leading up
4 to his passing that day, what her relationship was
5 with him. And that was -- the only thing that
6 really sticks out into my mind, was a -- well, the
7 conversation led to a briefcase that Johnny had, and
8 he said that he needed this girl to get this
9 suitcase to his daughter, to S.L., and I wanted to
10 find where that suitcase was. And that's basically
11 what the -- the -- that's basically where the
12 conversation had gone. It had gone into that --
13 that direction.

14 It started out what happened, and then she
15 told me -- it started out me asking her what had
16 happened that day. And when she told me about the
17 suitcase that needed to get to my daughter, that's
18 all that I wanted to know, where's this suitcase?
19 Nobody's ever been able to tell me where this
20 suitcase, if it even exists at this point, but
21 where's this suitcase that Sophia is entitled to
22 from her dad?

23 Q. You said the relationship between this --
24 this woman who lived in the area and Johnny, what --
25 what did she tell you?

1 A. This relationship between this woman was like
2 a fling, you know, a little side fling that he had
3 had with this girl. God I wish I could remember her
4 name, it would make so much sense. But, he had just
5 this side fling with this girl and he had divulged a
6 lot of information to her about his life and how he
7 was feeling at that moment, you know, at that time
8 in his life and how important it was to get this --
9 the suitcase to his daughter.

10 Q. And since you don't remember the name of this
11 woman, do you know where she lives?

12 A. She's like -- she's a transient pretty much.
13 She's a -- a -- a white lady. She had blonde hair.

14 Q. So just to confirm --

15 A. Good fit but --

16 Q. -- she's not -- I'm sorry, I -- I -- I think
17 I spoke -- spoke over you, can you --

18 A. No, I said she had a good fit, but I
19 understand what you're saying but I don't have a
20 name for her.

21 Q. Just to confirm, this isn't somebody who
22 owned one of the homes in the area where the
23 incident with Johnny and the deputies occurred,
24 correct?

25 A. Oh, this lady, no. No, she wouldn't have

1 owned a home.

2 Q. Okay. Did she live in that area on those --
3 in that property area where this specific incident
4 occurred between Johnny and the deputies?

5 A. I don't know really know where she lived. I
6 --

7 Q. What -- what did she tell you in terms of
8 what she witnessed then of the incident?

9 A. Well, she said she didn't witness the
10 incident, per se, you know? What had happened, I
11 ran -- I ran into her one day and I asked her to
12 tell me what had happened. I wanted to know what
13 had happened and how can I go about finding
14 Priscilla, because Priscilla is supposed to be the
15 one that knows what happened. And that's when we
16 got into this conversation about this -- her not
17 knowing where Priscilla was anymore, and the
18 conversation about the briefcase. So, at that point
19 my mind went from, I don't care where Priscilla is,
20 to where's this briefcase? And that's where the
21 conversation went.

22 Q. Have you talked to anyone who has told you
23 that they witnessed what happened during the
24 incident between Johnny and the deputies on that
25 date?

1 A. No, I have not.

2 Q. Okay. When was the last time you saw Johnny
3 prior to April 14th, 2023?

4 A. An estimate, probably a week before that day
5 he passed away.

6 Q. Okay. And where did you see him?

7 A. I seen him at my mother's residence.

8 Q. Was S.L. with you?

9 A. No.

10 Q. Okay. So about a week before. So early
11 April of 2023?

12 A. Yes.

13 Q. And do you recall any communication or
14 conversations you had with him on that time -- on
15 that last time you saw him?

16 A. I had a lot of issues going on in my life at
17 that time. I came to drop off some groceries to my
18 mother. I walked in, I said hello to everybody in
19 the house, and I dropped the groceries off and I
20 left.

21 Q. Okay. Other than saying hello to him, did
22 you speak -- have any more of a substantive
23 conversation with him?

24 A. No, I did not.

25 Q. Okay.

1 A. I was in a rush to go home.

2 Q. Okay. Let's say prior to that, you know,
3 early April time where you saw him at your mother's
4 house, do you know the last time before then that
5 you saw him in person?

6 A. Not that I actually saw him. I did have a --
7 a conversation with him through text messages.

8 Q. And when was that?

9 A. That had to have been maybe in March. My
10 mother -- he found my mother passed out in her
11 house. She has a lot of health problems and he had
12 messaged me that my mom was in the hospital, so we
13 were messaging each other back and forth about how
14 she's doing. And he was making repairs on her door
15 and taking care of a dog that he had given her. He
16 had given her a little chihuahua and that's
17 basically what the conversation was about.

18 Q. And that was --

19 A. You see, I didn't know that he was going to
20 die, so I didn't know that there was a reason to
21 have such in-depth conversations. You know, it was
22 really -- it was really quick because I just was
23 concerned about my mother's health and he was too.
24 So we had, you know, conversations about how our
25 mother's going to have to stop smoking or things

1 like -- along that nature.

2 Q. So that was 2023 -- March of 2023, when you
3 had that text message exchange about your mother's
4 health. What -- did you have any other
5 communication with him between that text message
6 conversation and his -- his passing on April 14th?

7 A. No, man, I'll state it again, I -- I was
8 going through a lot at that time, and I did not -- I
9 didn't see the reason, and I didn't see the reason
10 to have consistent dialogue with him. Just like I
11 don't with my other sister, you know, I just -- I
12 didn't know he was going to die.

13 Q. Do you know the last time that your daughter
14 S.L. saw her father approximately?

15 A. Yeah, she saw him before he was incarcerated
16 in -- I want to say he went to prison in April of
17 2020. It was somewhere around that time. So she
18 saw her dad a little prior -- a few days prior to
19 him being picked up. And then she -- I never
20 allowed her to see her father in prison. So she had
21 contact with him over the phone up until sometime in
22 2021 before he was released.

23 Q. Was -- was Johnny released from prison in
24 2021 then?

25 A. I could be wrong. I think it was 2022.

1 Q. Okay.

2 A. Because he was killed shortly after he was
3 released from prison.

4 Q. Okay. Was there any reason why you didn't
5 let your daughter communicate with him between,
6 let's say 2021 and his release in 2022, I believe is
7 when it was, but correct me if I'm wrong?

8 A. Like I stated, I had a lot of -- I had a lot
9 of things going on at home and I tend to shut down
10 and I didn't want to be bothered by anybody at that
11 point, so I wasn't really having much conversation
12 with anybody. And that meant my whole family, you
13 know, everybody was -- if I said there was no
14 conversation, there was no conversation with
15 anybody, you know, in the household.

16 Q. Okay.

17 A. I was trying to get my family back on track.

18 Q. Okay. To your knowledge, did Johnny use any
19 type of drugs?

20 A. Yes.

21 Q. Again, to your knowledge, what types of drugs
22 did he use?

23 A. I know he smoked marijuana.

24 Q. Anything else?

25 A. I know that he drank.

1 Q. Okay. Other than drinking and marijuana, are
2 you aware of any other substances that he used?

3 A. I'm not aware of any other substances, no.

4 Q. Okay. Do -- again, to your knowledge, did --
5 did Johnny have any diagnosed mental health issues?

6 A. He had not been diagnosed, but given our
7 family history, all of us, he should have been
8 diagnosed. Yeah.

9 Q. Okay. Are you referring to a specific type
10 of mental health issue that you believe he should
11 have been diagnosed with?

12 A. Oppositional defiance disorder. He --
13 depression. Severe depression on my dad's side of
14 the family. My mom's side of the family has
15 depression as well.

16 Q. But as far as you're aware, he was never
17 diagnosed with ODD or depression; is that correct?

18 A. Correct.

19 Q. Okay. Did you ever see at any time in his
20 adult life, Johnny with a gun?

21 A. No, I did not actually see him carrying a
22 gun, no.

23 Q. Okay.

24 A. He wouldn't have showed me that.

25 Q. Okay. So you -- you never saw him like

1 holding a gun at any time in his adult life?

2 A. No.

3 Q. Okay. Do you know if he ever owned any guns
4 at any time in his adult life?

5 A. When you say owned, like registered to him,
6 an actual registered gun? No, he never had a
7 registered gun to him.

8 Q. Do you know if he ever owned any guns that
9 you're not aware of them being -- whoever they were
10 registered to, regardless of registration?

11 A. I have to say no. I -- I would have to say
12 no because I'm not aware of any time that he
13 would've been in possession of -- of a weapon. No.
14 He would never have disclosed that to me.

15 Q. Okay. Now I'm going to get into, you know,
16 more of your role as the guardian ad litem for your
17 daughter S.L?

18 MR. MARKS: Before you get into that,
19 maybe we can take five minutes.

20 MS. ANDERSEN: Absolutely. Yeah, that's
21 fine?

22 MR. MARKS: All right. Great.

23 (Whereupon, there was a short break.)

24 THE VIDEOGRAPHER: We are back on the
25 record. The time is 11:46 a.m?

1 BY MS. ANDERSEN:

2 Q. All right. Ms. Leyva, do you understand that
3 you're still under oath after that -- that quick
4 break?

5 A. Yes.

6 Q. Okay. So what I started asking you, and what
7 I want to get into a little bit now is obviously you
8 are the guardian ad litem for your daughter,
9 Plaintiff S.L. Can you describe to me how, if at --
10 if at all S.L. has been affected by the death of
11 her father?

12 A. It's hard to describe it without tears
13 flowing down. She has -- Sophia has internalized a
14 lot of it. She doesn't share a lot about her dad to
15 very many people. She's told me that it's really
16 hard for her to -- to bring up his name because it's
17 hard for her to remember and know that he is gone.

18 And she's trying, this I know for a fact
19 because she's told me, she's trying to put things
20 together in her mind as a way to block out the fact
21 that she doesn't have a dad anymore. And in her
22 mind, she thinks, and this is what she has told me,
23 she thinks a way of honoring her dad would to be,
24 because he'd always tell her, toughen up little
25 girl, you're my little soldier, and so what she's

1 trying to do is toughen up and be his little
2 soldier.

3 And what I've explained to her, what he meant
4 by that was that she didn't need to cry over little
5 things like a fall or maybe friends being mean.
6 That's what he meant by that. But she's taking it
7 like if she shows an emotional side that she's
8 letting him down. She calls him her protector, now
9 her protector is gone.

10 She has expressed to me that who's going to
11 go out with her when she goes to buy a car. And I
12 explained to her like, I'll be there to help you buy
13 the car. And she said, but my dad's the one that
14 said he'd show me how to fix it. So I think she's
15 coming to terms with the fact that, I shouldn't say
16 I think, I know she's coming to terms with the fact
17 that she's going to be losing out on a lot moving
18 forward.

19 Because when you're 7, 8, 9 years old,
20 there's not a whole lot you can process. There's
21 not a whole lot you need your -- your dad for, I
22 should say in a sense, because I'm always there for
23 all of her needs. But just the other day we had a
24 flat tire and I have AAA. And she goes, wasn't my
25 dad supposed to teach me how to change a tire mom?

1 And I told her like, that's what we have AAA for.
2 You know, like, you got to make do. I explained to
3 her, you got to make do with what you have.

4 We, in a way to memorialize him because he
5 was cremated and he's resting with my mother, you
6 know, my mom has his ashes, we put a cross -- we put
7 a cross up on Highway 74, a small one. I didn't
8 take her to the actual site. She has seen it, but I
9 didn't want to put a cross on somebody's property.
10 So we put a cross on Highway 74 as a way for her to
11 have a place to grieve.

12 And I was pretty surprised at how well she
13 took it because it kind of scares me that she
14 doesn't let her emotions out. But she did -- she
15 did cry and we wanted to make that little cross look
16 really nice. So we went out and bought just a few
17 little trinkets for Halloween to hang up. I told
18 her we couldn't put a lot up, you know because it
19 can't be a distraction on the road, but just a place
20 for her to be able to say like, this is where my dad
21 was, you know, like, we grew up directly across the
22 street from River Road from where I --

23 MR. MARKS: I think you're getting a
24 little beyond the question. He's -- she's just
25 asking you about the loss of love and companionship

1 and, you know, guidance and stuff that she's lost
2 from losing her dad. That's the focus of the
3 question.

4 THE WITNESS: Okay.

5 BY MS. ANDERSEN:

6 Q. Yeah. So beyond -- beyond what you've
7 already told me about how Johnny's death has
8 affected his daughter S.L., is there any other ways
9 you've noticed based on S.L.'s behavior or what
10 she's told to you that the loss of her father has
11 affected her?

12 A. Her behavior, like I said was different from
13 the time that he passed to what it is now. She's
14 very angry which is why the school is seeking out
15 counseling for her now, which is why I put that
16 cross up for her as a way for her to be able to let
17 things out because she's -- she tells me she -- she
18 holds it in. So she's been real destructive with
19 her -- with her things at home, you know, just
20 wanting to be alone. She -- when I say destructive
21 with her things, she's not as careful with her stuff
22 as she used to be.

23 She gets very angry and will slam her doors
24 and just tell me she wants to be left alone, just
25 leave me alone. And she's 11. And I had to ask

1 her, was it a difference between, like, is that just
2 what a normal teenager does? Like, is there
3 something going on at school? And she won't even
4 tell me anything anymore. You know, it's just leave
5 me alone. I just want to be left alone. So we are
6 seeking out counseling, the school and I, because
7 her grades are dropping. She's very sad. How can I
8 explain to you what I see in my daughter without
9 going into too much now?

10 Q. Well, let me -- let me follow up and I'm
11 going to continue asking questions in the -- in the
12 s`ame vein. You -- she testified at -- during her
13 deposition this morning that she did see a school
14 counselor when she was in fifth grade. Has she seen
15 any other therapist, counselor, since her -- her
16 father's passing?

17 A. Yes. The school has provided like a one,
18 two-time, do you need to come and talk to me type of
19 counseling but she won't talk about it. She -- so,
20 she -- the attempt has been made, she's gone but
21 from what I understand, she's not speaking, she'll
22 just sit there and not say anything at all. She
23 doesn't want to talk about it at all.

24 Q. So if I have the, please correct me if I'm
25 wrong, if I have the timeline correctly, S.L. was

1 about nine years old when her father passed, April
2 of 2023. Does that sound accurate?

3 A. Probably, yeah.

4 Q. And the last time, from my understanding of
5 your testimony and her testimony that she saw him or
6 spoke to him was in 2021 when she was either seven
7 or eight years old; is that correct?

8 A. Yeah. Doing --

9 Q. Okay.

10 A. -- the math, yeah.

11 Q. Between the ages of seven and eight,
12 whenever, however, you know, whatever month of 2021
13 it was, depends on whether she was seven or eight
14 years old, between then and her father's passing,
15 did she ever ask to speak to him?

16 A. You're saying before her father's passing,
17 right.

18 Q. Of course, yes.

19 A. I'm sorry. My mind is -- yeah, she asked to
20 speak to her dad. She didn't understand why she
21 wasn't speaking to him.

22 Q. Did you tell her -- oh, I'm sorry, go ahead.

23 A. I had, you know, I had to explain to her that
24 mom's not doing very well, I don't feel good and I'm
25 not talking to anybody right now.

1 Q. Okay. And did you notice any changes in
2 behavior before his passing, but starting with the
3 time period that she stopped seeing or speaking to
4 him in 2021?

5 A. Yeah, I noticed behavior.

6 Q. Okay. Can -- can you tell me what changes in
7 behavior you did notice when she stopped seeing him
8 or being able to see him and speak to him in 2021?

9 A. She wasn't as delightful as she normally is.
10 She wasn't like a ray of sunshine is what, you know,
11 we could refer to her as a happy, talkative, joyful
12 little girl to be around. She got real like quiet.
13 She got real quiet.

14 Q. Do you know if she was --

15 A. She just wanted to be left alone and she
16 didn't want to have to talk about her dad anymore,
17 you know.

18 Q. Okay. Let's say starting in 2021, between
19 2021 and 2023, did you seek out any counseling for
20 her of any kind?

21 A. I talked to the school to see if they could
22 help me and the principal had called in Sophia and
23 offered her counseling. Sophia said she didn't want
24 it and that's kind of where it was left.

25 Q. So as far as you're aware between her last,

1 like, let's say last conversation with him in
2 approximately 2021 and his passing, she did not have
3 any type of counseling or therapy, not for lack of
4 trying, but is that accurate that she didn't have
5 any type of therapy during that time period?

6 A. She had some therapy. She did have some
7 therapy after his passing. It wasn't long because
8 she wouldn't talk about it. She refused to open up
9 to the therapist.

10 Q. Yes. I --

11 A. After a while, the therapist didn't want to
12 pursue it anymore.

13 Q. I -- my question was actually about a -- the
14 different time period between her last communication
15 with him in 2021 when that was cut off for whatever
16 reason, and then 2023 before his passing, did she
17 have any counseling or therapy during that specific
18 time period?

19 A. Specific time period, no.

20 Q. Okay. And that you -- I -- I do understand
21 that she did have some counseling after his passing
22 and I -- I believe she said fifth grade. Does that
23 sound accurate to you?

24 A. Yes. Yes.

25 Q. Other than through the school, are there any

1 other sources of therapy or counseling that you've
2 sought out for her?

3 A. No.

4 Q. Okay. Do you know the name of the school
5 counselor that she did speak with back in fifth
6 grade?

7 A. I don't know the name of the school
8 counselor.

9 Q. Okay. And then you said you are seeking
10 counseling for her. Is that also through the school
11 again?

12 A. No. This is going to be an outside agency.
13 It was difficult to get her counseling through an
14 outside agency due to the fact that she is adopted
15 and the medical coverage, I didn't have the card and
16 it was a big fiasco trying to get the -- the
17 coverage -- trying to get the coverage from the
18 adoption, it wasn't an agency, it's through
19 Riverside County Adoption. I can't even tell you
20 how long -- how it went about. But finally I got
21 the -- the medical card that she needs to get the
22 counseling that she needs. But prior to that, all I
23 could deal with was the school and there wasn't much
24 that the school had to offer.

25 Q. Okay. And I just want to make sure I'm clear

1 on the -- the legal terminology to the best you're
2 able to tell me. Is it correct that you are her
3 adopted mother as opposed to a legal guardian?

4 MR. MARKS: I'm going to object that
5 that probably calls for a legal opinion and
6 conclusion. You can answer if you know.

7 THE WITNESS: I am her adopted mother,
8 yes.

9 BY MS. ANDERSEN:

10 Q. Okay. And does she have an adopted father?

11 A. No.

12 Q. Okay. Do you know, again, this is to the
13 extent that you are able to answer this question,
14 whether you know, I don't want you to guess or
15 speculate. Do you know if Johnny's rights to her
16 were terminated? His parental rights?

17 A. Yes, they were terminated.

18 Q. Thank you. Okay. Now I want to take you
19 back to 2021 when you say you had a lot of stuff
20 going on, and that's kind of what happened with the
21 contact with Johnny either fading out or however it
22 ended. Did you call the police in July of 2021
23 regarding Johnny?

24 A. I had so much going on, I'm not going to
25 answer that at this time.

1 Q. Are you refusing to answer the question about
2 whether you called the police on your brother?

3 A. Yes.

4 Q. Okay. Is there --

5 A. I'm refusing -- I'm refusing to answer that
6 question.

7 Q. So you are going to not answer any questions
8 right now about your call to the police about him
9 inappropriately touching somebody in your house?

10 A. I am not going to answer that question during
11 this time.

12 MR. MARKS: This has -- and -- and I'm
13 going to object on relevance. This has nothing to
14 do with her -- his daughter. And -- and it's not
15 relevant and --

16 MS. ANDERSEN: Well, I'll -- I'll put on
17 the record that it is because S.L. was involved in
18 some of these incidents so that -- that's clear,
19 it's the same residence. And then also it goes to
20 damages because this is the warrant that he was out
21 -- that was out for his arrest at the time of the
22 incident. This is why the police responded. Are
23 you still sticking with, she's not answering any
24 questions about this molestation in her house.

25 MR. MARKS: Well, it -- number one is,

1 it doesn't have anything to do with the plaintiff in
2 this case. And -- and I am sticking with my
3 objection on relevance, but she's not -- she said
4 she's not going to answer these questions?

5 MS. ANDERSEN: Okay. Do you understand
6 that you are under oath here and that I will be
7 seeking a motion to compel your responses to this.

8 MR. MARKS: I -- but you -- but you
9 don't have to threaten her. She's -- she's told you
10 where she is on this and -- and if you file a
11 motion, you file a motion and such as what happens,
12 happens. But you don't have to -- you don't have to
13 threaten her.

14 MS. ANDERSEN: Well, I mean if that's
15 the truth. I mean, she's the guardian ad litem.
16 Her -- her daughter is directly involved in these
17 incidents. It was in her house. It goes to damages
18 and the 14th Amendment claim here.

19 MR. MARKS: I know, but you continue to
20 say that her daughter was directly involved in this
21 and you -- you're the -- we're talking about her
22 daughter, the plaintiff. And -- and the plaintiff,
23 Sophia, was not involved in any of this.

24 MS. ANDERSEN: She -- she was, according
25 to the -- the Victim 1. I mean, we produced the

1 police reports. I mean, she was directly there.

2 BY MS. ANDERSEN:

3 Q. And Kristine, I mean, you can correct me if
4 I'm wrong here, I'll ask the question anyway. Did
5 you tell the police that you weren't sure that
6 whether Johnny had touched S.L. or not because she
7 was young and you weren't -- you just didn't know?

8 A. I'm not answering any of those questions
9 right now.

10 Q. Okay. Okay. You didn't call the police on
11 him? We'll start with that question. You're not
12 going to answer that question?

13 A. I'm not going to answer that question. It
14 has nothing to do with Sophia.

15 MS. ANDERSEN: Well, relevance is not --
16 I -- I'll -- I'll talk to your counsel about this.

17 Relevance is not a proper objection, I
18 mean, or -- or instruction not to answer. What's
19 the privacy right here?

20 MR. MARKS: Okay. So -- so, you know,
21 Kayleigh, there -- there's no sense in -- in
22 spending a lot of time on this. She's made it
23 perfectly clear she's not going to answer these
24 questions. Maybe you and I can meet and confer
25 about this later and if you convince me somehow

1 otherwise, then we'll produce her again and you can
2 ask her these questions. But again, you're not
3 going to get anywhere with these questions today.

4 MS. ANDERSEN: Well, that's -- that's
5 the issue. I do want this all on the record because
6 I want to make it clear for the Court that you're
7 not instructing her not to answer. And is that
8 clear that she's refusing on her own to answer.

9 MR. MARKS: The record, is what the
10 record is.

11 MS. ANDERSEN: I -- I want to clarify it
12 so it makes it clear because you're -- you're
13 asserting objections, you're allowed to do that of
14 course, but your objections are mostly relevance,
15 which is not a basis for an instruction not to
16 answer. So that's -- I just want to clarify, are
17 you instructing her not to answer.

18 MR. MARKS: The -- the -- again, the --
19 the record is real clear, you haven't heard me
20 instruct her not to answer any of the questions.

21 MS. ANDERSEN: Okay. So just so I can
22 clarify with Ms. Leyva, are you refusing to answer
23 any questions about the investigation that you
24 initiated into your brother Johnny regarding
25 allegations of molestation, inappropriate touching

1 starting in 2029 -- 2019.

2 MR. MARKS: And again, I'm going to
3 object. That is -- it's in -- in addition to not
4 being relevant, it's also an invasion of privacy of
5 the potential victim who's not the plaintiff in this
6 case.

7 MS. ANDERSEN: Correct, she will not be
8 named.

9 MR. MARKS: So -- so I -- I believe that
10 all of this is not relevant and it's also an
11 invasion of privacy of the other individual.

12 BY MS. ANDERSEN:

13 Q. Yes. And I'm not asking any disclosure of
14 that individual's identity, but is that correct, Ms.
15 Leyva?

16 A. I'm not answering any questions at this time.

17 Q. Okay. How about, have you ever called the
18 police on your brother at any time?

19 A. I'm not answering these questions at this
20 time.

21 MS. ANDERSEN: Okay. Well that's the
22 end of this deposition then, but I certainly will be
23 seeking a second deposition, so I'll meet and confer
24 with Mr. Marks about that.

25 MR. MARKS: So you have no other

1 questions other than this particular topic?

2 MS. ANDERSEN: That's correct.

3 MR. MARKS: All right. Very good. Then
4 we're done for today with this one as well. And I
5 do want to put on the record, and I know that it's
6 not the record of S.L.'s depo, but we had a
7 conversation off the record. And what I'm going to
8 do is I'm going email to our court reporter and I've
9 already copied Ms. Andersen and Ms. Leap with the
10 exhibits, and I'm going to attach four exhibits as
11 exhibits to the deposition of S.L.

12 THE COURT REPORTER: All right. Mr.
13 Marks, do you want to order a copy of this
14 transcript.

15 MR. MARKS: Please.

16 THE COURT REPORTER: All right. And I
17 have some questions for the witness if we can stay
18 on.

19 Go ahead, Victor.

20 THE VIDEOGRAPHER: Yes. Okay. You said
21 you'd like to stay on the record, Madam Court
22 Reporter?

23 THE COURT REPORTER: No, I don't want
24 the witness to leave?

25 THE VIDEOGRAPHER: Oh. Oh, I see. I

1 understand.

2 THE COURT REPORTER: Sorry.

3 THE VIDEOGRAPHER: Very good. Just
4 before we go off the record, are there any video
5 copy orders.

6 MR. MARKS: Not at this time, but I'm
7 sure I'll have your contact information in the
8 transcript so that if we decide to get the video, I
9 can contact you after.

10 THE VIDEOGRAPHER: Of course, Counsel.

11 This concludes the deposition for today.
12 We're off the record at 12:08 p.m.

13 (Whereupon, the deposition was concluded
14 at 12:08 p.m.)

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EXHIBIT 19

EXHIBIT 19

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. 5:24-cv-00249-CAS (SPx)

S.L., a minor by and through the)
Guardian ad Litem Kristine)
Llamas-Leyva, individually and)
as successor-in-interest to)
JOHNNY RAY LLAMAS, deceased;)
V.L, by and through the)
Guardian ad Litem Amber)
Sietsinger, individually and as)
successor-in-interest to JOHNNY)
RAY LLAMAS, deceased; and)
CAROLYN CAMPBELL, individually,)
)
Plaintiffs,)
)
vs.)
)
COUNTY OF RIVERSIDE and)
DOES 1-10, inclusive,)
)
Defendants.)
-----)

REMOTE VIDEOTAPED DEPOSITION OF AMBER SNETSINGER
Thursday, October 24, 2024
CONDUCTED VIA ZOOM VIDEO CONFERENCE

REPORTED BY: KATHLEEN S. McLAUGHLIN
Certified Shorthand Reporter
License No. 5845

Magna Legal Services
866-624-6221
www.MagnaLS.com

Amber Snetsinger

October 24, 2024

Page 2

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

3
4 Case No. 5:24-cv-00249-CAS (SPx)

5
6 S.L., a minor by and through the)
Guardian ad Litem Kristine)

7 Llamas-Leyva, individually and)
as successor-in-interest to)

8 JOHNNY RAY LLAMAS, deceased;)
V.L, by and through the)

9 Guardian ad Litem Amber)
Sietsinger, individually and as)

10 successor-in-interest to JOHNNY)
RAY LLAMAS, deceased; and)

11 CAROLYN CAMPBELL, individually,)
)

12 Plaintiffs,)
)

13 vs.)
)

14 COUNTY OF RIVERSIDE and)
DOES 1-10, inclusive,)

15)
Defendants.)

16 -----)

17

18

19

20 Remote videotaped deposition of AMBER
21 SNETSINGER taken on behalf of Defendant beginning at
22 10:43 a.m. on Thursday, October 24, 2024, remotely
23 before KATHLEEN S. McLAUGHLIN, Certified Shorthand
24 Reporter No. 5845, located in the City of Vista,
25 County of San Diego, State of California.

Amber Snetsinger

October 24, 2024

Page 3

1 A P P E A R A N C E S

2

3 (All parties appeared via Zoom video conference)

4

5 FOR THE PLAINTIFFS V.L. by and through the Guardian
ad Litem, Amber Snetsinger, individually and as
6 successor-in-interest to JOHNNY RAY LLAMAS,
deceased:

7

8 SHANNON J. LEAP, ESQ.

9 LAW OFFICES OF DALE K. GALIPO

10 21800 Burbank Blvd.

11 Suite 310

12 Woodland Hills, California 92367-6479

13 818.347.3333

14 sleap@galipolaw.com

15

16 FOR THE PLAINTIFFS S.L. by and through the Guardian
ad Litem, Kristine Llamas Leyva, individually and as
17 successor-in-interest to JOHNNY RAY LLAMAS,
deceased, and CAROLYN CAMPBELL, individually:

18

19 LAWRENCE D. MARKS, ESQ.

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22 Los Angeles, California 90048-5001

23 323.653.6311

24 lmarks@garolaw.com

25 (continued)

1 A P P E A R A N C E S

2 (continued)

3

4 FOR THE DEFENDANT:

5

6 KAYLEIGH ANDERSEN, ESQ.

7 MANNING & KASS

8 ELLROD, RAMIREZ, TRESTER LLP

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10 15th Floor

11 Los Angeles, California 90017-3012

12 213.624.6900

13 kayleigh.andersen@manningkass.com

14

15

16 ALSO PRESENT:

17

18 BRAD BISSEGGER, VIDEOGRAPHER

19

20

21

22

23

24

25

1

I N D E X

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Index of Examinations

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Examination by Ms. Andersen

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EXHIBITS MARKED FOR IDENTIFICATION

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(None)

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Amber Snetsinger

October 24, 2024

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1 THURSDAY, OCTOBER 24, 2024

2 10:43 A.M.

3

4 THE VIDEOGRAPHER: We are now on the
5 record. This begins the video deposition of Amber
6 Snetsinger in the matter of Johnny Ray Llamas versus
7 County of Riverside, et al. in the United States
8 District Court, Central District of California, case
9 5:24-cv-00249-CAS(SPx).

10 Today is October 24th, 2024, and the time
11 is 10:43 a.m. Pacific Daylight Time. This
12 deposition is being taken via Zoom at the request of
13 Manning & Kass, Ellrod, Ramirez, Trester LLP for the
14 defendant.

15 The videographer is Brad Bissegger of Magna
16 Legal Services, and the court reporter is Kathleen
17 McLaughlin of Magna Legal Services.

18 Will counsel for the parties please state
19 their appearances and whom they represent.

20 MS. LEAP: Shannon Leap on behalf of
21 plaintiff V.L.

22 MR. MARKS: Lawrence Marks for plaintiff
23 S.L. and plaintiff Carolyn Campbell.

24 MS. ANDERSEN: Kayleigh Andersen for the
25 defendants.

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1 THE VIDEOGRAPHER: Thank you. The court
2 reporter may now swear in the witness.

3

4 AMBER SNETSINGER,

5 Called as a witness by and on behalf of the
6 Defendant, and having been first duly sworn by the
7 Deposition Officer, was examined and testified as
8 follows:

9

10 EXAMINATION

11 BY MS. ANDERSEN:

12 Q Good morning, Ms. Snetsinger. I hope
13 that's how you pronounce it. But can I have you
14 please state and spell your full name for the
15 record?

16 A My name is Amber Snetsinger. A-M-B-E-R and
17 then Snetsinger is S-N-E-T-S-I-N-G-E-R.

18 Q Great. Thank you.

19 Have you ever had your deposition taken
20 before?

21 A No.

22 Q Have you ever testified in court before?

23 A No.

24 Q So I'll go over some of the ground rules
25 for this deposition proceeding. A deposition is a

1 question-and-answer session. I will be asking you
2 questions, and then you provide me with your best
3 answer.

4 The court reporter is here to take down
5 everything that is said, but she can only take down
6 what we say verbally. So just continue giving your
7 responses verbally as opposed to nodding your head
8 or shaking your head or, you know, uh-uh's or
9 uh-huh's because those don't reflect well on a
10 transcript.

11 Does that make sense?

12 A Yes.

13 Q Okay.

14 It's difficult over Zoom, but just let me
15 finish my question before you start with your answer
16 and then I'll do the same thing. I'll do my best to
17 wait for you to finish your response before I ask my
18 next question; okay?

19 A Okay.

20 Q Once the transcript is complete, you'll
21 have an opportunity to review the transcript and
22 make any changes you deem appropriate.

23 I'll just caution you that if there are
24 substantive changes that could affect your
25 credibility, I or other attorneys may be able to

1 comment on those changes at the time of trial.

2 Does that make sense?

3 A Yes.

4 Q Do you understand that the oath that you
5 took at the beginning of this deposition is under
6 penalty of perjury?

7 A Yes.

8 Q At no time today do I want you to guess or
9 speculate in response to my questions, but I am
10 entitled to your best estimate.

11 Do you understand the difference between a
12 guess and an estimate?

13 A Yes.

14 Q Okay.

15 From time to time your attorney or any of
16 the other attorneys may have objections to my
17 questions. Please allow the attorneys to state
18 their objections for the record and then you can
19 proceed with your answer; okay?

20 A Okay.

21 Q If you need a break at any time today,
22 please just let me know, and we can go ahead and
23 take a break.

24 I'd just ask if there is a question pending
25 that you go ahead and answer that question and then

1 we can go ahead and take a break; okay?

2 A Okay.

3 Q Is there any reason that would prevent you
4 from giving your best testimony today?

5 A No.

6 Q Have you had any drugs or alcohol in the
7 last 24 hours that would impair your ability to give
8 your best testimony today?

9 A No.

10 Q Did you review anything in preparation for
11 your deposition today?

12 A Yes.

13 Q What did you review?

14 A The email I got yesterday with the paper --
15 I'm sorry. I forgot what --

16 Q Let me stop you right there. That's -- I'm
17 glad this happened early. I should have said it at
18 the beginning.

19 I don't want to know any communications
20 you've had with your attorneys in this case. So
21 emails, phone calls, texts, however it happened,
22 anybody from Ms. Leap's office, you don't need to
23 disclose those.

24 A Okay.

25 MS. LEAP: May I offer just a point of

1 clarification?

2 MS. ANDERSEN: Yes.

3 MS. LEAP: It was just the discovery
4 responses.

5 MS. ANDERSEN: Okay.

6 BY MS. ANDERSEN:

7 Q Did you review discovery responses in
8 preparation for your deposition today?

9 A Yes.

10 Q Okay. Would that have been V.L.'s or your
11 discovery responses to requests?

12 A Yes.

13 Q Okay.

14 Anything else that you reviewed in
15 preparation for your deposition?

16 A No.

17 Q Have you ever spoken with anybody from the
18 Riverside County Sheriff's office about Johnny Ray
19 Llamas or the incident on April 14 of 2023?

20 A No.

21 Q Have you gone by any other names in your
22 life other than Amber Snetsinger?

23 A No.

24 Q What's your date of birth?

25 A March 11, 1987.

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1 Q And where do you currently live?

2 A In Mangum, Oklahoma.

3 Q Can you spell that for me?

4 A M-A-N-G-U-M. Like man -- yeah.

5 Q How long have you lived there?

6 A I think it's been about three years
7 probably.

8 Q Okay.

9 Would you say that you moved there sometime
10 in 2021? Does that sound accurate?

11 A No. It was 2022 because it was after
12 COVID. The end.

13 Q Okay. So sometime in 2022 you moved to
14 Oklahoma?

15 A Probably like August, because the kids were
16 only, like, a month off of school when we got here.
17 So, yeah, like, August, September.

18 Q Okay.

19 Was there any reason that prompted the move
20 to Oklahoma?

21 A Cheaper living and just a better, fresh
22 start.

23 Q Okay.

24 And where were you living when you were
25 living in California?

Amber Snetsinger

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1 A Perris.

2 Q Did you go straight from Perris, California
3 to Mangum, Oklahoma?

4 A Yes.

5 Q Who do you currently live with?

6 A Myself and my kids.

7 Q I understand there are four kids living
8 with you. Is that correct?

9 A Yes.

10 Q All of them are biologically your children;
11 correct?

12 A Yes.

13 Q Okay.

14 Is plaintiff V.L., is she the only one with
15 a different father than the other three?

16 A No.

17 Q Okay. Is V.L. your oldest?

18 A Yes.

19 Q Okay. And who is her biological father?

20 A Johnny Llamas.

21 Q And is he on the birth certificate for
22 V.L.?

23 A No.

24 Q Okay.

25 Is there a reason he's not on the birth

1 certificate?

2 A He was incarcerated when she was born, and
3 they have to be present when they do the whole birth
4 certificate thing.

5 Q Okay.

6 At any time after he was released or
7 whenever that happened after 2011, did you or he
8 attempt to go through the court system to get his
9 name on the birth certificate?

10 A No.

11 Q Have there ever been any legal proceedings
12 with respect to parental rights for V.L.?

13 A No.

14 Q Okay.

15 What about any legal proceedings with
16 respect to visitation for Johnny to V.L.?

17 A No.

18 Q And then same question. Any court
19 proceedings related to child support for V.L.?

20 A No.

21 Q Were you ever married to Johnny?

22 A No.

23 Q Okay.

24 Were you in a relationship at the time that
25 you got pregnant with V.L.?

1 A Yes.

2 Q Okay.

3 Did that relationship continue after V.L.
4 was born?

5 A He was in jail. So pretty much, no. No.

6 Q Okay.

7 Did you -- did V.L. ever live in the same
8 house with Johnny?

9 A No.

10 Q And I understand there's another -- that
11 your daughter V.L. has another sibling through
12 Johnny.

13 Is that correct?

14 A Yes.

15 Q Is it just one -- and I'll go by her
16 initials -- S.L.?

17 A Yes.

18 Q Are you aware of any other children of
19 Johnny's?

20 A No.

21 Q Are you currently married?

22 A No.

23 Q Have you ever been married?

24 A No.

25 Q Do you know Johnny's parents' names?

1 A I know his mom, Carolyn Campbell, but I
2 can't remember his dad.

3 Q I understand his dad has passed.

4 A Yes.

5 Q Okay. Is that accurate?

6 A Yes.

7 Q When was the last time you spoke to Carolyn
8 Campbell?

9 A I don't remember exactly, but it was, like,
10 right after she was born. Probably -- maybe a year
11 after she was born was the last time we actually
12 spoke but ...

13 Q And by "she," you mean your daughter V.L.?

14 A Yes.

15 Q Okay.

16 A Sorry.

17 Q That's okay. I just want to make sure
18 we're talking about the correct person.

19 Are you currently employed?

20 A Yes.

21 Q Okay. What's your job?

22 A I'm a cashier at Love's Travel Store.

23 Q And how long have you worked there?

24 A Two and a half years.

25 Q Did you receive any type of financial

1 support from Johnny for your daughter V.L. at any
2 time during her life?

3 A Yes.

4 Q Okay.

5 And can you -- let's do -- how often would
6 you receive money from Johnny for your daughter
7 V.L.?

8 A It wasn't like an often thing. It was just
9 a few times. He had sent me money for diapers or
10 got ahold of his sister to help me pay for bills or
11 pay for diapers usually. So it wasn't like an often
12 thing but ...

13 Q When you say get ahold of his sister, are
14 you referring to Kristine?

15 A Yes.

16 Q Was it your understanding that Kristine was
17 assisting Johnny to send you money for V.L.?

18 A Yeah, because he was in jail for most of
19 those times. But, yeah. A few times after he was
20 out of jail, he actually helped with, like, her band
21 instrument and stuff but ...

22 Q Did Johnny -- I mean I understand that -- I
23 just took your daughter V.L.'s deposition. She's
24 only 13. But -- so her memory is probably different
25 than yours as her mother.

1 Did V.L. ever see Johnny in person?

2 A When she was a baby, yeah.

3 Q Okay. Approximately what age was the last
4 time she saw Johnny in person?

5 A When she was 11 months old.

6 Q Okay. Was there --

7 A She went and spent a month with him.

8 Q Okay.

9 Was there a reason she spent a month with
10 him at that time?

11 A Because he had just gotten out of jail
12 again, and it was his first time meeting her, and I
13 just let them have their time.

14 Q During that month do you know where he was
15 living or staying with your daughter?

16 A Yeah. He had an apartment down the street
17 from his sister in Lake Elsinore.

18 Q And then other than that -- about one-month
19 time period when your daughter was about 11 months
20 old, did she see him any other time in person?

21 A Other than that time, besides video chat,
22 no.

23 Q Was there a reason why during -- you know,
24 when you guys were living in California still,
25 obviously, that she didn't see him in person?

1 A He was in jail the majority of the time.

2 Q Whenever he was out of custody, did you
3 ever attempt to set up, you know, a visit or
4 anything between V.L. and Johnny?

5 A Well, I -- I never went, like, looking for
6 him to be out. When he would get out, he would tell
7 me, and then we'd try to set up a meet-and-greet or
8 whatever at his sister's where he would stay when he
9 got out, but those never really happened at that
10 time.

11 Q Okay.

12 A (Unintelligible.)

13 Q I'm sorry? Go ahead.

14 A Sorry. I don't know. But yeah. Not
15 really. It didn't ever happen.

16 Q Okay.

17 And then you said video chat. Would have
18 been times when he was out of custody communicating
19 with V.L.?

20 A Yes.

21 Q Do you know where he was living at any
22 time? Other than that one apartment you mentioned
23 where he stayed with your daughter for about a
24 month, do you know any other places that he lived
25 when he was out of custody?

1 A He usually stayed with Mischelle, his other
2 sister, as far as I know. But sometimes with
3 Kristine.

4 Q When was the last time you spoke with
5 Kristine?

6 A We messaged each other about a week ago and
7 we verbally talked like two, three weeks ago.

8 Q What was the substance of your
9 communication with -- is it Kristina or Kristine? I
10 don't even remember now. I feel bad.

11 A It's Kristine.

12 Q Kristine.

13 When you spoke with her on the phone, what
14 did you speak with Kristine about?

15 A She -- well, V.L. -- like if V.L. needs
16 anything and how is V.L. doing and how am I doing
17 and if there's jobs out here, because she wants to
18 move out here eventually. I told her it's really
19 boring. I don't -- just stuff like that. Normal
20 stuff.

21 Q So we did this yesterday. I know it's hard
22 because she's your daughter, and you want to call
23 her by her first name. But we're going to refer to
24 her as V.L. So we'll do what we did --

25 A Oh.

1 Q It's okay. It's completely understandable.

2 We did this yesterday with S.L. and her
3 mother that we should probably just have -- anytime
4 you say her real name, we'll just change it in the
5 transcript to V.L.

6 Is that okay?

7 A That's fine. Thank you.

8 Q Of course.

9 Do you know any jobs that Johnny had when
10 he was out of custody?

11 A I don't know.

12 Q What's your highest level of education?

13 A Eleventh grade.

14 Q And do you know what Johnny's highest level
15 of education is or was?

16 A I don't remember.

17 Q Within the past 10 years have you been
18 convicted of a felony?

19 A No.

20 Q Do you know any of the -- do you know
21 approximately how many times Johnny was incarcerated
22 during V.L.'s lifetime, separate incarcerations?

23 A No, I don't know how many.

24 Q Do you know the nature of any of the
25 convictions? Like the charges, the nature of the

1 charges of any of the felony convictions that he had
2 during V.L.'s lifetime?

3 A No, I don't really know the specifics or
4 anything like that.

5 Q Did you ever go visit him in custody,
6 whether it was a county jail or a state prison?

7 A No.

8 Q Did you ever speak with him when he was in
9 custody, whether it was at a county jail or a state
10 prison?

11 A Yes.

12 Q How often would you speak with him when he
13 was in custody?

14 A Not that often. I could probably count
15 like two, three. But at least five. Not that many.

16 Q Okay. What about V.L.? Did V.L. ever
17 communicate with Johnny when he was in custody?

18 A No. He would kind of -- he would talk to
19 her through me. Like check on her and stuff. But
20 not when he was in custody.

21 Q Okay.

22 Now, as of April of 2023, you were already
23 living in Oklahoma; correct?

24 A Yes.

25 Q Okay.

1 And it's my understanding that from your
2 daughter, and I think from the testimony yesterday,
3 that your daughter and you went out to California to
4 visit with S.L. and Kristine.

5 A She went out first because I didn't have
6 vacation from my job until the last two weeks of
7 their vacation.

8 So they went out there to spend the
9 majority of the summer with my family, but it was on
10 the -- it was, like, on the plans to go and spend
11 some time with her -- his family too. So -- yeah.
12 I didn't get to personally see her but V.L. did.

13 Q And that would have been in the summer
14 of --

15 A Yeah. V.L. I mean.

16 Q That's okay. We already have the running
17 change in the transcript. It's an easy -- it's
18 completely understandable.

19 Would that have been summer of 2023 after
20 Johnny's passing?

21 A Yes.

22 Q Okay. Do you know a woman named Priscilla
23 Raju?

24 A I do not know her but I know -- I've heard
25 of her.

1 Q Okay.

2 How did you hear of her? And if it's from
3 your attorney, you don't need to --

4 A No.

5 Q How did you hear of her?

6 A Just people talking from -- like street
7 talk. I don't know. Gossip. People saying, "Oh,
8 that's who he was with." You know how it is. Just
9 gossip.

10 Q Do you know who you were speaking to when
11 that name came up?

12 A No, I don't really know her name but she
13 was -- no, I don't know her name.

14 Q Did you ever speak with Kristine about
15 Priscilla?

16 A No.

17 Q Have you ever spoken with Carolyn Campbell
18 about Priscilla?

19 A No.

20 Q Do you have any understanding of what her
21 connection was to the incident?

22 A I just heard that -- I watched the video
23 that was on YouTube. So that's my extent of
24 knowledge on that one.

25 Q Okay.

1 So you did watch the video on YouTube that
2 showed, like, different video clips of the incident?
3 Is that correct?

4 A Yeah. And it had the police call in the
5 beginning, yeah.

6 Q Like the critical incident video or
7 whatever they publicly released?

8 A Yes.

9 Q Had you watched any other videos of -- you
10 know, whether it's body cam or helicopter or
11 anything like that of the incident?

12 A Just the YouTube one.

13 Q Okay.

14 When was the last time you saw Johnny prior
15 to the incident?

16 A Like physically or on video chat?

17 Q Let's start with physically in person.

18 A Probably when they seen -- when they
19 visited each when she was first born.

20 Q Okay.

21 A Yeah. That's the last time.

22 Q Okay.

23 And then so, basically, from the time she
24 was 11 months old or so all the way up and through
25 his passing you did not see him in person.

1 Is that correct?

2 A No.

3 Q When was the last time you spoke with him,
4 whether it's on a phone, email, text, however --
5 whatever method, when was the next time you spoke
6 with him prior to the date of the incident?

7 A Real close to that. Probably a month
8 before he died.

9 Q Do you recall the substance of that
10 conversation?

11 A Just how excited he was to meet her. He
12 was planning the summer so ...

13 Q Was that the same phone call that your
14 daughter also participated in with Johnny?

15 A No. It was a different one.

16 Q Okay.

17 Did you exchange any text messages with him
18 between that phone call and the date of the
19 incident?

20 A Yeah.

21 Q Do you recall what -- do you recall the
22 substance of those, you know, communications?

23 A Just how he was planning to do better and
24 how it was different this time around and how he was
25 excited and how nervous he was about how to even be

1 a good dad and just -- basically, nervous. Really
2 nervous. I told him there's no set of directions.
3 You know. Just kind of talk.

4 Q How often would you say that your daughter
5 spoke with him on the phone from, you know -- I
6 guess 11 months old when she last saw him all the
7 way up until his passing?

8 A Probably like a handful of times since --
9 because he went to jail one more time -- they
10 started talking before he went to jail the last time
11 and then stopped. And then the last time he was
12 out, it was like a bunch back to back.

13 Q Okay. Would that have been --

14 A (Unintelligible.)

15 (Reporter interrupts for
16 clarification of the record.)

17 THE WITNESS: I don't know the exact
18 number specifically, but it was a lot more towards
19 the end.

20 BY MS. ANDERSEN:

21 Q Can you give me your best estimate as to
22 how many times they spoke with each other on the
23 phone, let's say, between 2020 and his death in
24 2023?

25 A Like twice before he went to jail the last

1 time. And then when he got out, it was probably,
2 like, once a week kind of for a good two months.

3 Q Okay. Okay.

4 And do you know -- did your daughter have a
5 cell phone in April of 2023?

6 A She does not have a cell phone.

7 Q That's got to be hard to keep a teenager
8 away from a cell phone.

9 A It's hard.

10 Q Did you ever provide any type of financial
11 support to Johnny?

12 A In the beginning -- like, when she was
13 first born I put money on his books once or twice,
14 but it wasn't big. Just ...

15 Q Okay.

16 A It was support.

17 Q As far as you're aware, did Johnny use any
18 type of drugs at any time during V.L.'s lifetime?

19 A Not that I know.

20 Q Do you know if Johnny had ever been
21 diagnosed with any mental health issues in his life?

22 A I don't know.

23 Q So during V.L.'s deposition she mentioned
24 seeing a therapist outside of school. I think she
25 said when she was in seventh grade. Does that sound

1 accurate?

2 A Yeah. It was right after.

3 Q I'm sorry. I didn't mean to cut you off.

4 You said it was after?

5 A Yeah. Right after he had died.

6 Q Do you know how many times she saw that
7 therapist?

8 A They would meet, like, twice a week, and
9 she didn't see her very long. So maybe a month. So
10 like eight times, I guess.

11 Q What's the name of that therapist?

12 A I don't remember her last name, but her
13 first name is Dana.

14 Q Where was she seeing her?

15 A At the clinic here by the WIC office in
16 town. It's a really small town. So like the main
17 place.

18 Q Do you know the name of the clinic?

19 A Not offhand. I can go look it up, if you
20 want.

21 Q Maybe before we close the record if we take
22 a quick break, but I can also speak with your
23 attorney about supplementing discovery too. It's
24 not a huge deal.

25 Other than that therapist after -- so

1 approximately eight times or so after the incident,
2 has V.L. seen anybody else about her father?

3 A No.

4 Q Okay.

5 Did she ever see any type of school
6 counselors since her father's death?

7 A Yes. The school counselor was the one that
8 referred her to the outside school counselor.

9 Q And other than that, I guess it would have
10 been one visit with the school counselor to get the
11 referral --

12 A Probably a few times before. I'm not very,
13 like -- I don't know for sure exactly. But I'm
14 pretty sure.

15 Q Do you know the name of the school
16 counselor that she saw?

17 A Tara. I don't know her last name offhand
18 but ...

19 Q Does she work at that middle school, like
20 physically in person at the middle school?

21 A Yes. She's a school guidance counselor.

22 Q Okay.

23 Have you noticed any changes in V.L.
24 schoolwise since her father's passing?

25 A Yes.

1 Q What changes have you noticed?

2 A She's -- she's just -- she's not -- her
3 grades have gone down. Her social life has pretty
4 much ended. She's been withdrawn. She's going
5 through a lot you could tell. She only lets me in
6 on so much.

7 But from what I've observed, her grades,
8 her behavior, her just whole demeanor just -- she's
9 not the same happy-go-lucky V.L. I mean V.L.

10 Q That's okay. So you're saying more
11 withdrawn?

12 A Yes.

13 Q Anything else you noticed outside of school
14 behavior-wise since her father's passing?

15 A The same. She's just shut down and more --
16 she's separated herself from our family unit, if
17 that makes sense. She's -- she's, like, detached
18 kind of, if that makes sense.

19 Q Have you ever -- other than the times,
20 obviously, she went and saw the therapist and the
21 school counselor, have you ever tried to take her or
22 make an appointment somewhere else for her to get
23 additional therapy or counseling?

24 A Yeah. We have looked -- I've looked into
25 it, but it takes a lot longer out here, and you have

1 to get referral after referral, and the whole
2 medical coverage part is a process. So ...

3 Q Okay. Has she received -- I'm sorry. Go
4 ahead.

5 A No. Go ahead.

6 Q I'm trying not to cut you off. I know
7 there's a weird kind of lag on my end, I think.

8 But has she received any type of diagnosis
9 as a result of any of these therapy sessions or
10 counseling sessions?

11 A No.

12 Q Okay.

13 That's all the questions I have for you,
14 Ms. Snetsinger.

15 A Okay.

16 MS. LEAP: I don't have any questions.

17 MS. ANDERSEN: Okay.

18 Kathleen, do you need anything else?

19 THE COURT REPORTER: Does anyone want to
20 order a copy?

21 MS. LEAP: Not at this time.

22 THE VIDEOGRAPHER: This concludes today's
23 deposition. The time is 11:11 a.m. The date is
24 October 24th, 2024, and we're off the record.

25 (The deposition concluded at 11:11 a.m.)

Amber Snetsinger

October 24, 2024

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1 (END OF PROCEEDINGS. DECLARATION UNDER
2 PENALTY OF PERJURY ON THE FOLLOWING PAGE HEREOF.)

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October 24, 2024

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1 I, AMBER SNETSINGER, do hereby declare
2 under penalty of perjury that I have read the
3 foregoing transcript; that I have made any
4 corrections as appear noted in ink initialed by me
5 or, in the alternative, changes have been noted to
6 an electronic version and conveyed; that my
7 testimony as contained herein, as corrected, is true
8 and correct.

9 EXECUTED THIS _____ day of _____.
10 20____, at _____, _____.
(City) (State)

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AMBER SNETSINGER

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Amber Snetsinger

October 24, 2024

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1 ERRATA SHEET

2 (Correction List)

3 PAGE LINE CHANGE

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1 CERTIFICATE OF
2 CALIFORNIA CERTIFIED SHORTHAND REPORTER
3

4 I, Kathleen S. McLaughlin, a Certified
5 Shorthand Reporter in the State of California,
6 Certificate No. 5845, do hereby certify:

7 I am a duly qualified Certified Shorthand
8 Reporter in the State of California, Certificate
9 No. 5845 issued by the Court Reporters Board of
10 California and which is in full force and effect.
11 (Business & Professions Section 8016).

12 I am not financially interested in this
13 action and am not a relative or employee of any
14 attorney of the parties or of any of the parties.
15 (California Code of Civil Procedure Section
16 2025.320[a]).

17 I am authorized to administer oaths or
18 affirmations pursuant to California Code of Civil
19 Procedure Section 2093(b) and, prior to being
20 examined, the deponent was first placed under oath
21 or affirmation by me. (California Code of Civil
22 Procedure Sections 2025.320, 2025.540[a]).

23 I am the deposition officer that
24 stenographically recorded the testimony in the
25 foregoing deposition, sworn statement or

Amber Snetsinger

October 24, 2024

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1 declaration, and the foregoing transcript is a true
2 record of the testimony given. (California Code of
3 Civil Procedure Section 2025.540[a]).

4 The foregoing proceedings were taken
5 before me at the time herein set forth. Every
6 attempt was made to ensure a verbatim record of the
7 remote proceedings, which inherently have technical
8 interference, audio interruptions and transmission
9 issues.

10 Such transcript was created by me using
11 machine shorthand which was thereafter transcribed
12 under my direction.

13 Reading and signing was requested.

14 IN WITNESS WHEREOF, I have this date
15 subscribed my name. My certificate to the original
16 may be attached to certified copies electronically.

17

18 Dated: January 10, 2025

KATHLEEN S. McLAUGHLIN

19

CSR No. 5845

20

21

22

23

24

25

1 CERTIFICATE OF
2 CALIFORNIA CERTIFIED SHORTHAND REPORTER
3 (California Code of Civil Procedure
4 Section 2025.520[e])
5

6 I, Kathleen S. McLaughlin, a Certified
7 Shorthand Reporter in the State of California,
8 Certificate No. 5845, do hereby certify:

9 I am the deposition officer that
10 stenographically recorded the testimony in the
11 foregoing proceeding.

12 Written notice pursuant to California Code
13 of Civil Procedure Section 2025.520[a] having been
14 sent, the deponent took the following action within
15 the allotted period with respect to the transcript
16 of the proceeding:

17 () In person, at the office of the
18 deposition officer, made the changes set forth on
19 the original of the transcript and signed the
20 transcript. The parties attending the proceeding
21 have been notified of said changes.

22 () Approved the transcript by signing
23 it.

24 () Declined to approve the transcript by
25 not signing it.

Amber Snetsinger

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1 () By means of a signed letter, made the
2 changes and approved or declined to approve the
3 transcript as set forth therein. Said letter has
4 been attached to the original transcript and copies
5 thereof mailed to all parties attending the
6 proceeding.

7 () Failed to approve the transcript
8 within the allotted time period.

9

10 Dated: January 10, 2025

Kathleen S. McLaughlin

KATHLEEN S. McLAUGHLIN

CSR No. 5845

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Magna

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Amber Snetsinger

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EXHIBIT 20

EXHIBIT 20

**S.L., a minor by and through the Guardian, ET AL. vs COUNTY OF RIVERSIDE, ET AL.
Shawn Hubacheck on 12/18/2024**

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

3

4 S.L., a minor by and through the)
Guardian Ad Litem Kristine Llamas)
5 Leyva, individually and as successor-)
in-interest to JOHNNY RAY LLAMAS,)
6 deceased; V.L., by and through the)
Guardian Ad Litem Amber Snetsinger,)
7 individually and as successor-in)
interest to JOHNNY RAY LLAMAS,)
8 deceased; and CAROLYN CAMPBELL,)
individually,)

9

Plaintiffs,)

10

vs.)

11

COUNTY OF RIVERSIDE; and DOES 1-10,)
12 inclusive,)

13

Defendants.)

14

15

16 REMOTE VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF

17

SHAWN HUBACHECK

18

TUESDAY, DECEMBER 18, 2024

19

20

21

22

23 Reported Stenographically By:

24 Jinna Grace Kim, CSR No. 14151

25 Job No.: 116557

Case No.
5:24-CV-00249-CAS-SP

S.L., a minor by and through the Guardian, ET AL. vs COUNTY OF RIVERSIDE, ET AL.
Shawn Hubacheck on 12/18/2024

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1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA

3

4 S.L., a minor by and through the)
Guardian Ad Litem Kristine Llamas)
5 Leyva, individually and as successor-)
in-interest to JOHNNY RAY LLAMAS,)
6 deceased; V.L., by and through the)
Guardian Ad Litem Amber Snetsinger,)
7 individually and as successor-in)
interest to JOHNNY RAY LLAMAS,)
8 deceased; and CAROLYN CAMPBELL,)
individually,)

9

Plaintiffs,)

10

vs.)

11

COUNTY OF RIVERSIDE; and DOES 1-10,)
12 inclusive,)

13

Defendants.)

14

15

16 The remote videotaped videoconference deposition of
17 SHAWN HUBACHECK, taken on behalf of the Plaintiffs, beginning
18 at 1:14 p.m., and ending at 3:24 p.m., on Tuesday, December
19 18, 2024, before Jinna Grace Kim, Certified Stenographic
20 Shorthand Reporter No. 14151.

21

22

23

24

25

**S.L., a minor by and through the Guardian, ET AL. vs COUNTY OF RIVERSIDE, ET AL.
Shawn Hubacheck on 12/18/2024**

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S.L., a minor by and through the Guardian, ET AL. vs COUNTY OF RIVERSIDE, ET AL.
Shawn Hubacheck on 12/18/2024

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S.L., a minor by and through the Guardian, ET AL. vs COUNTY OF RIVERSIDE, ET AL.
Shawn Hubacheck on 12/18/2024

Page 5

1 CALIFORNIA

2 WEDNESDAY, DECEMBER 18, 2024

3 1:14 P.M.

4 VIDEOGRAPHER: Good afternoon, everyone.

5 We're going on video record at 1:14 p.m., Pacific
6 time, and the date is December 18, 2024.

7 This is Media 1, in the video-recorded deposition of
8 Deputy Jimmie McGuire and Sergeant Shawn Hubacheck --

9 MR. GALIPO: Hold on a second.

10 The deposition is of who?

11 VIDEOGRAPHER: I'm reading the caption right here.

12 It says the depositions of Deputy Jimmie McGuire and
13 Sergeant Shawn --

14 MR. RAMIREZ: Hubacheck.

15 MR. GALIPO: Right. This is the sergeant's depo
16 today even though there is going to be another depo on
17 Friday.

18 Just for the record, we're just doing the sergeant
19 today.

20 VIDEOGRAPHER: Gotcha. Okay.

21 This is Media 1, in the -- for the video-recorded
22 deposition of Sergeant Shawn Hubacheck in the matter of S.L.,
23 a minor by and through the guardian Ad Litem Kristine Llamas,
24 et al. vs. The County of Riverside, and DOES 1-10, inclusive.

25 It's being filed under the United States District

S.L., a minor by and through the Guardian, ET AL. vs COUNTY OF RIVERSIDE, ET AL.
Shawn Hubacheck on 12/18/2024

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1 Court, Central District of California, and the case number is
2 5:24-CV-00249-CAS-SP.

3 And this deposition is being taken via remote
4 virtual Zoom. My name is Noah Suszcklewicz; I'm the legal
5 videographer. And our court reporter today is Jinna G. Kim.
6 We're both here representing Huseby Global Litigation
7 Services.

8 Counsel, would you please identify yourself for the
9 record.

10 MR. GALIPO: Yes. Dale Galipo, on behalf of the
11 Plaintiffs. And Shannon Leap, from my office, also on behalf
12 of the Plaintiffs.

13 MR. BABAKHANIAN: Anthony Babakhanian, of
14 Mardirossian and Akaragian, for Plaintiffs, S.L. and Carolyn
15 Campbell.

16 MR. RAMIREZ: Gene Ramirez, Manning Kass, here with
17 Sergeant Shawn Hubacheck and also representing Jimmie McGuire
18 and the County of Riverside.

19 SHAWN HUBACHECK,
20 called as a witness on behalf of the Plaintiffs, having been
21 first duly sworn remotely via videoconference, was examined
22 and testified as follows:

23 EXAMINATION

24 BY MR. GALIPO:

25 Q. Okay. Thank you.

S.L., a minor by and through the Guardian, ET AL. vs COUNTY OF RIVERSIDE, ET AL.
Shawn Hubacheck on 12/18/2024

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1 Can you please state your name and spell your last
2 name for the court reporter.

3 A. Yes, sir. Shawn Hubacheck, H-u-b-a-c-h-e-k.

4 Q. Are you able to hear me okay so far?

5 A. Yes, sir.

6 Q. If you have any trouble hearing me at any time, will
7 you please let me know?

8 A. Yes, sir.

9 Q. I'm going to try to ask you clear questions that you
10 understand, but if I ask you a question and for some reason
11 you do not understand it, please let me know, and I'll try to
12 word it in a better way.

13 Okay?

14 A. Yes, sir.

15 Q. Also, I usually go about an hour and then take a
16 break each hour, but if you need to take a break for any
17 reason at any time before that, just tell me I need to take a
18 break, and we'll take a break at that time.

19 Understood?

20 A. Yes, sir.

21 Q. And I also promised your lawyer who I have a lot of
22 respect for that I would finish before 5:00 today. So I'm
23 pretty good at keeping my word.

24 And I anticipate we'll be done before then.

25 Okay?

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1 MR. RAMIREZ: Thank you. I can drive back to
2 Pasadena for dinner.

3 MR. GALIPO: Yes. I don't want you to get you in
4 trouble with your wife, Gene.

5 MR. RAMIREZ: Thank you.

6 MR. GALIPO: You're welcome.

7 BY MR. GALIPO:

8 Q. So have you reviewed any documents in preparation
9 for the deposition?

10 A. Yes, sir.

11 Q. Can you please tell me what you've reviewed.

12 A. I read a transcript of my interview, policies,
13 procedures, and that's pretty much it as far as documents.

14 Q. Have you looked at any video footage of the
15 incident?

16 A. Yes, sir. I looked at my body-cam video, Lieutenant
17 Walsh's body-cam, and the video from the Aviation Unit.

18 Q. When was the last time you looked at any of the
19 videos?

20 A. Last night.

21 Q. Do you have an estimate as to how many times
22 altogether since this incident occurred that you looked at
23 the videos?

24 A. I would say five or less.

25 Q. You gave an interview at some point after the

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1 shooting?

2 A. Yes, sir.

3 Q. And when did you give your interview in relation to
4 the shooting?

5 A. It was two days later on the 16th of April.

6 Q. Were you given the opportunity to look at the videos
7 before you gave your interview?

8 A. Yes, I was.

9 Q. And did you have a representative present on your
10 behalf for the interview?

11 A. Yes, I did.

12 Q. Was that an attorney, if you recall?

13 A. It was an attorney, yes.

14 Q. And did you just give the one formal interview or
15 more than one?

16 A. Just one.

17 Q. Before we get into the incident, I just want to
18 learn a little bit about your background starting with
19 education.

20 I'm assuming you graduated from high school?

21 A. Yes, sir.

22 Q. What year did you do that in?

23 A. 1995.

24 Q. And did you go to any college after high school?

25 A. Yes, sir.

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1 Q. Did you study anything in particular?

2 A. Criminal Justice.

3 Q. And did you end up getting a degree in that?

4 A. No, sir.

5 Q. Any military experience?

6 A. None.

7 Q. When did you first go to the police academy?

8 A. In October of 1999.

9 Q. What type of work did you do before going to the
10 academy?

11 A. I worked for In-and-Out Burger.

12 Q. It's one of my favorite drive-thrus.

13 A. It's a good place to work for.

14 Q. Yes. How tall are you?

15 A. Five-eleven.

16 Q. What is your current weight, approximately?

17 A. About 205.

18 Q. Was that about your weight at the time of this
19 incident?

20 A. It was probably pretty close, yes.

21 Q. What was your assignment at the time of this
22 incident?

23 A. I was assigned as a sergeant on Riverside County
24 Sheriff's Department Emergency Services Team which is our
25 SWAT Team.

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1 Q. When did you first become a part of the SWAT Team?

2 A. My first time was in 2008.

3 Q. And during what period of time, were you assigned
4 there during that time frame?

5 A. 2008 until 2022.

6 Q. And when were you promoted to sergeant?

7 A. In 2022, February, 2022.

8 Q. And the incident we're here to talk about happened
9 when?

10 A. In April of 2023.

11 Q. So a little over a year after you had been
12 promoted?

13 A. Yes, sir.

14 Q. Was your assignment -- I'll call it SWAT, but you
15 referred to it as a different name; is that correct?

16 A. We call it the Emergency Services Team our EST, but
17 it's SWAT.

18 Q. So if I either say SWAT or EST, you'll know what I'm
19 referring to?

20 A. Yes, sir.

21 Q. Was that your full-time assignment during this time
22 frame from 2008 to 2022, or did you have other assignments at
23 the same time?

24 A. From 2008 to 2022 that was my full-time
25 assignment.

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1 Q. Okay. So before the date of the incident, had you
2 ever seen a suspect with a gun in their hand before?

3 A. Yes, sir, I have.

4 Q. Do you have an estimate or a range as to how many
5 times?

6 A. I would say a couple dozen.

7 Q. Were you trained that you could shoot someone merely
8 for seeing a gun in their hand, that fact alone?

9 A. No, sir, I was not trained that.

10 Q. And I'm sure you've seen other weapons in suspect's
11 hands before; knives and other objects?

12 A. Yes, sir.

13 Q. Prior to the date of the shooting we're here to talk
14 about, had you ever been present for an officer-involved
15 shooting before?

16 MR. RAMIREZ: I'll object as to relevance. It may
17 invade his police personnel privileges.

18 But he can answer yes or no at this point.

19 THE WITNESS: Yes.

20 BY MR. GALIPO:

21 Q. Have you -- had you been involved -- and this is
22 just a yes or no at this point -- in officer-involved
23 shootings before?

24 MR. RAMIREZ: I'll object same objections.

25 But you may answer yes or no.

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1 THE WITNESS: Yes.

2 BY MR. GALIPO:

3 Q. And without getting into details, how many prior
4 officer-involved shootings had you been involved in?

5 A. Two --

6 MR. RAMIREZ: Same objections.

7 But you can answer.

8 BY MR. GALIPO:

9 Q. Okay. And again, without getting into details at
10 this point, in what year or years did those occur?

11 A. In 2020, 2022. And then this one, 2023.

12 Q. And did all of those occur during your work with the
13 EST?

14 A. Yes, sir.

15 Q. In the prior officer-involved shootings, did you
16 also have to give a statement or interview?

17 A. Yes, sir, I did.

18 Q. Were you also represented or have an attorney
19 representative present for those?

20 A. Yes.

21 Q. How many shots in total did you fire in this
22 incident?

23 A. One.

24 Q. Do you recall how many shots you fired in either of
25 your prior shootings?

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1 MR. RAMIREZ: Objection as to relevance; may invoke
2 his police personnel privileges in the State and Federal law.

3 But you can answer if you know.

4 THE WITNESS: Yes, sir, I know.

5 BY MR. GALIPO:

6 Q. In the 2020 incident how many shots did you fire?

7 A. Four shots.

8 Q. And in the 2022 incident how many shots?

9 A. One shot.

10 Q. And 2023 also one shot?

11 A. Yes, sir.

12 Q. From the same type of weapon or different weapons?

13 A. Same type, all three.

14 Q. What type of weapon was that?

15 A. It is a BCM, 556, a rifle, semiautomatic rifle.

16 Q. Is that the caliber, the 556?

17 A. Yes, sir.

18 Q. And the semiautomatic, obviously, you have to press
19 the trigger for each shot?

20 A. Yes, sir. And to be clear on that, it's actually a
21 full -- it's designed -- it has an option of full auto, but
22 none of my shootings were in the full auto selection.

23 Q. That's good --

24 A. If that makes sense. I said semiautomatic, but it's
25 actually a full automatic rifle.

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1 Q. It has the way you can make it fully automatic, but
2 it was set on semiautomatic?

3 A. Yes, sir.

4 Q. When you fired your shots in the case we're here to
5 talk about, were you shooting at a particular person?

6 A. Yes, sir.

7 Q. And who was that person, if you know?

8 A. Mr. Llamas.

9 Q. And when you fired your shot, do you have an
10 estimate as to the distance between you and Mr. Llamas?

11 A. I believe 40 to 50 yards.

12 Q. And I know we're in football season, but doing some
13 simple math, are we talking a 120 to 150 feet?

14 A. Yes, sir. Roughly.

15 Q. I only asked you because in my last case, the
16 officer kept getting confused between yards and feet, and he
17 happened to be an ex-football player.

18 So I was joking with him about that.

19 MR. RAMIREZ: Right. I think he has a CTE,
20 possibly.

21 MR. GALIPO: Right.

22 BY MR. GALIPO:

23 Q. And what part of -- I'll let you take your sip.

24 A. Sorry.

25 Q. That's okay. What part of Mr. Llamas' body were you

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1 aiming at when you fired your one shot?

2 A. His upper thoracic area, upper body.

3 Q. And from your perspective was that his front, his

4 back, or some other part?

5 A. I believe it was the front of his body.

6 Q. So would you have been aiming at his chest-stomach

7 area?

8 A. Correct.

9 Q. Were you stationary or moving when you fired?

10 A. I was stationary.

11 Q. And was Mr. Llamas stationary or moving when you

12 fired?

13 A. He was moving.

14 Q. And in what manner was he his body moving?

15 A. I'm not sure I understand what you're asking.

16 Q. It's not a clear question.

17 So that was a good point.

18 Was he walking or running as far as his legs?

19 A. He was walking.

20 Q. And which direction was he walking?

21 A. In a westerly direction.

22 Q. And would that be walking away from you, towards

23 you, or in some other way?

24 A. I would say kind of like perpendicular to us.

25 He's 50 yards in the front, walking towards my left

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1 which would be westerly.

2 Q. Okay. So was he walking from your right-to-left?

3 A. Yes.

4 Q. And so he would have been north of you?

5 A. Yes, sir.

6 Q. Before you fired your shot, did you see him with a
7 gun in his hand?

8 A. Yes, I did.

9 Q. And which hand was that?

10 A. His right hand.

11 Q. And did you at some point see him holding the gun to
12 his head?

13 A. Yes, sir.

14 Q. And do you recall what side of his head that was?

15 A. Right side of his head.

16 Q. Did it appear that he had the barrel of the gun
17 pressed or close to the right side of his head at some
18 point?

19 A. It was either pressed or close to, yes.

20 Q. And for how long of a period of time did you see him
21 with the gun close to the right side of his head?

22 A. I would say about a minute.

23 Q. And can you generally describe to me what he was

24 doing during that approximate minute that he had the gun

25 pressed either, you know, close to or up against the side of

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1 his head?

2 A. During the time that he had the weapon to his head,
3 he was in the street in front of me, and there was commands
4 given to him. He was looking in our direction, and then at
5 one point Mr. Llamas kind of pointed to the ground, like, you
6 know, you want me to give you up here, but as he did that, he
7 still had the weapon to his head.

8 Q. During any of the time he had the weapon to his
9 head, did you think based on your training and experience it
10 was appropriate to shoot him?

11 A. No, sir.

12 Q. And is that essentially because with the gun to his
13 head, it was not an immediate threat of death or serious
14 bodily injury to others?

15 A. To myself or others. Yes, sir, that's correct.

16 Q. So am I understanding you correctly that at one
17 point when he had the gun to his head, it looked like he was
18 gesturing towards the ground near him as if to say, do you
19 want me to get down here?

20 A. That's just an assumption based on what I saw from
21 the distance that I was at, but yes, he did kind of point to
22 the ground, and it appeared to me like, you know, you want me
23 to lay down here, but he did not lay down.

24 Q. And when he pointed to the ground, would he have
25 pointed with his left hand?

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1 A. Yes, sir.

2 Q. Still holding the right hand up against or near his
3 right side of his head?

4 A. That's correct.

5 Q. And were there any other officers near you during
6 this approximate 60-second time frame that you saw him
7 holding the gun to his head?

8 A. Yes, sir.

9 Q. And can you tell me the names of the officer or
10 officers that were near you?

11 A. Deputy Jimmie McGuire and Lieutenant Mike Walsh.

12 Q. Where were you generally positioned?

13 Were you near cover, or out in the open?

14 How would you describe your location when you were
15 making these observations?

16 A. When I made those observations, I was near Deputy
17 McGuire's unit.

18 Q. What type of unit was it?

19 A. Chevy Tahoe.

20 Q. What part of the vehicle were you near?

21 A. At the beginning of it I was near the driver side
22 door, and then I moved to the passenger side door.

23 Q. Were the doors of the vehicle open?

24 A. Yes. The passenger door was not open, but I ended
25 up opening it for me.

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1 Q. So on the driver side were you kind of in the "V" of
2 the door using it as partial cover?

3 A. No, sir. Deputy McGuire was in the "V" of the door.
4 I was off to the left of his door.

5 Q. And then on the passenger side, you repositioned and
6 opened that door?

7 A. Yes, sir.

8 Q. And then were using that as cover or partial
9 cover?

10 A. Yes, sir.

11 Q. And was the front of the vehicle facing north?

12 A. The front of that vehicle would have been facing
13 east.

14 Q. Oh, east. And then where was the lieutenant?

15 A. He was on the driver side near Deputy McGuire at
16 this point in time.

17 Q. So are we still talking about this window of time
18 where you saw the gun to his head?

19 A. Yes, sir.

20 Q. So am I understanding correctly, that you were
21 initially on the driver side of the vehicle when you made
22 that observation just off to the side of the open door, and
23 then tactically repositioned to the passenger side, opened
24 that door, and were using that as cover during this 60-second
25 approximate window?

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1 A. That's correct.

2 Q. Did any one of the three of you, if you know, have
3 less-lethal with them or out?

4 A. With it -- there's two different things.
5 With them or out?

6 Q. Another good point. Let's start with them.
7 Do you know if there was any less-lethal in the
8 units?

9 A. I know there was less-lethal in the units, yes.

10 Q. And what less-lethal were you aware of?

11 A. Pepper spray, 40-millimeter impact munitions.
12 I carry some steam ball grenades, flash bangs.
13 That's all I could think of off the top of my
14 head.

15 Q. Was anyone assigned less-lethal at that point?

16 A. During that -- you're talking about the same point
17 that observations of the gun, you said?

18 Q. Yes.

19 A. No, sir. Nobody was assigned less-lethal.

20 Q. And when did you shoot in relation to this
21 approximate 60-second window that you observed him with the
22 gun to his head?

23 A. So after Mr. Llamas pointed to the ground, he fled
24 north from his location. And then we -- Deputy McGuire and I
25 ended up going on foot to -- Mr. Llamas ran down a dirt

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1 driveway of an address located at 22240 River Road.

2 So Deputy McGuire and I ran on foot to that -- the
3 threshold of the street and the driveway, and then that's
4 where the deputy-involved shooting occurred.

5 Q. So would it be correct that there were no shots
6 fired before he started running north on the driveway?

7 A. To be clear, there were no shots fired from law
8 enforcement. That's correct.

9 Q. Okay. You heard a shot earlier?

10 A. I did not physically hear the gunshot, but I was
11 aware of a shot being fired, yes.

12 Q. How did you become aware of it?

13 A. Over my -- my unit radio.

14 Q. Did someone communicate that they heard a shot
15 fired?

16 A. Yes, sir.

17 Q. And there had been a K-9 deployed?

18 MR. RAMIREZ: I would say it's vague and ambiguous.

19 But you may respond if you understand.

20 THE WITNESS: I'm -- it depends on what you're
21 asking me. I'm aware of a K-9 being deployed now, but when I
22 heard the shot report as being fired, I was not aware of the
23 K-9 having been deployed yet. If that's makes sense.

24 BY MR. GALIPO:

25 Q. Okay. Yeah, that does.

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1 Were you aware that a K-9 was on-scene?

2 A. Yes, I was.

3 Q. Did you have an understanding as to who the K-9
4 handler was?

5 A. There were multiple K-9 units on-scene.

6 Q. And how did you know that?

7 A. I physically saw them.

8 Q. And when you say multiple, can you give me an
9 estimate as to how many?

10 A. I know of at least two. There might have been a
11 third, but --

12 Q. Did you have -- oh, I'm sorry.

13 Go ahead.

14 A. That's okay. I know two for sure.

15 Q. Okay. Did you have an understanding that Mr. Llamas
16 might have been with a female?

17 A. Yes, sir.

18 Q. And you had some information as to her name?

19 A. No, sir. I did not know her name.

20 Q. Only that he was with a female?

21 A. That's correct.

22 Q. Was there any discussions that you were aware of
23 about potentially deploying the K-9s tactically?

24 A. Again, I don't know if I understand the question,
25 but the dog had been deployed tactically before the shot was

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1 fired. I witnessed that.

2 Q. I guess -- okay. Even if we back up before that.

3 Sometimes it's my understanding that units like you
4 have and especially you're a sergeant, develop tactical
5 plans?

6 A. Yes, sir.

7 Q. And I'm just wondering as part of the tactical plan,
8 was there any discussion that you were involved with about
9 potential of deploying a K-9 under the circumstances?

10 A. So again, prior to I witnessed the dog being
11 deployed tactically prior to the shot being fired, if that
12 makes sense.

13 Was there a discussion after that, I don't know.

14 Q. Was there a discussion before that, I was wondering.

15 A. Yes, there was.

16 Q. And what was that discussion?

17 A. That we would utilize the K-9 as needed in order to
18 clear the area that we were searching at the time.

19 Q. And was it your understanding that the K-9 involved
20 was also able to bite and hold on command?

21 MR. RAMIREZ: May call for speculation.

22 But you may respond if you know.

23 THE WITNESS: Can you repeat the question just so
24 I'm clear.

25 BY MR. GALIPO:

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1 Q. Sure. It's my general understanding that some K-9s
2 are like search dogs, some K-9s can bite and hold on command.

3 I didn't know if you had an understanding as to the
4 K-9's capabilities that was involved?

5 A. So this particular dog is a -- we call it police
6 service dog or Sheriff's service dogs.

7 So if it locates a suspect, yes, it may bite them.

8 Q. And at some point you saw the dog deployed?

9 A. Yes, sir.

10 Q. And if I'm understanding your testimony, you did not
11 hear a gunshot, but you heard a communication over the radio
12 after that, that a gunshot had been fired?

13 A. So I think I need to clarify again. The deployment
14 of the dog that I personally witnessed was at the extreme
15 southwest corner of this large containment that we had.
16 After I witnessed that dog deployment, we kind of reallocated
17 our resources. There was a separate deployment of the K-9
18 and the shot fired that I was not a witness to.

19 Q. Okay.

20 A. If that makes sense.

21 Q. That does. Thank you for that clarification.

22 I guess what I'm wondering, did you have knowledge
23 or information that after the shot had been fired, that the
24 K-9 handler tried to call his dog back, and the dog did not
25 come back?

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1 A. Yes, sir, I am.

2 Q. So one of the possibilities I'm sure you considered
3 is that the dog may have been shot?

4 A. It was a consideration, yes.

5 Q. Was there any communication about that possibility
6 that you recall over the police radio?

7 MR. RAMIREZ: Vague and ambiguous.

8 But you may respond if you understand.

9 BY MR. GALIPO:

10 Q. In other words, maybe he had shot the dog, or words
11 to that effect?

12 A. Over the radio I don't recall any communication over
13 the radio, no.

14 Q. Was there any communication about that that was not
15 over the radio that you remember?

16 A. I don't remember if the words used were shot, but I
17 spoke to Deputy Day after the shots were fired, and he was
18 extremely upset that his dog was not recalling like he
19 typically would.

20 So -- but I don't remember if he said something
21 along the lines of, you know, my dog's been shot or something
22 like that.

23 Q. Can you spell --

24 A. I'm sorry?

25 Q. No. I'm sorry. I cut you off.

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1 I was just hoping you can spell the last name of the

2 K-9 handler for the court reporter.

3 A. D-a-y, David Adam Young.

4 Q. Okay. Thank you.

5 So you do recall a conversation with Deputy Day?

6 A. Yes, sir.

7 Q. And he would have been at least the one of the K-9

8 handlers, and his dog was the one that ended up being shot?

9 A. That's correct.

10 Q. And just to give me a time reference, do you know

11 when you had this conversation with Deputy Day in relation to

12 the 60-second window where you saw Mr. Llamas with the gun to

13 his head?

14 A. That conversation was prior to me seeing

15 Mr. Llamas.

16 Q. And do you have any time reference, whether it was

17 an hour, a half hour, five minutes, any estimate you can

18 give?

19 A. So your question is the conversation with Deputy Day

20 in relation to me seeing Mr. Llamas with the gun to his head;

21 is that correct?

22 Q. Correct. That's correct.

23 A. I would say a couple of minutes, two to five

24 minutes.

25 Q. And where did that conversation take place

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1 physically?

2 A. That so that was inside of our containment which is
3 a pretty large containment, 20-plus acres, and it was near a
4 old dilapidated boat, and it was near where K-9 Rudy was
5 deployed by the tree line, if that makes any sense.

6 Q. So did you yourself ever see the female at any time
7 before you fired your shot?

8 A. No, sir, I did not.

9 Q. And was the first time that you saw Mr. Llamas that
10 day when you saw him with the gun to his head, or had you
11 seen him previously?

12 A. The first time I saw him was when he came out of the
13 tree line on the pavement side with the gun to his head.

14 That was the first time I physically saw him.

15 Q. And how long approximately had you been out in that
16 location before you actually saw him?

17 A. I personally was there for approximately two
18 hours.

19 Q. Do you have an estimate as to how many officers
20 altogether were on-scene as of the time of the shooting?

21 A. I mean it was a lot. I would say at least 20.

22 Q. And were they mostly all from your department, the
23 SWAT?

24 A. That's two questions. My department or SWAT.

25 My team is part of the Sheriff's Department.

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1 So most of them were Riverside County Sheriff, but
2 there were a number of them that were not part of SWAT.

3 Q. So I would like to go back to the time frame
4 immediately after this 60 seconds approximately when
5 Mr. Llamas, I think, you told me was running northbound.

6 A. That's correct.

7 Q. And do you have an estimate as to how far he ran
8 northbound, approximately?

9 A. Again, I would say 40 to 50 yards.

10 Q. And to your knowledge, were any shots fired as he
11 was running northbound?

12 A. To my knowledge, no, sir.

13 Q. Did you think based on your training and experience,
14 it was appropriate to shoot him as he was running
15 northbound?

16 MR. RAMIREZ: Vague and ambiguous; incomplete
17 hypothetical; lacks foundation.

18 But you can answer if you can.

19 THE WITNESS: As Mr. Llamas ran north from us, I
20 couldn't physically see him at that time.

21 BY MR. GALIPO:

22 Q. Okay. Is that the entire time he was running north,
23 or just part of it?

24 A. I would say the entire time because my first visual
25 of him after he ran, he went out of sight because of the

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1 bushes and trees and things like that.

2 So when I crested the threshold of the driveway was

3 when I saw him again, and he was no longer running.

4 Q. Do you have an estimate as to how much time he was

5 out of your view before coming back into view?

6 A. Less than 30 seconds.

7 Q. And during that time frame, you were running I

8 assume also northbound?

9 A. No, sir. I ran eastbound.

10 I ran east to the threshold of the driveway.

11 Q. And what distance do you think you ran approximately

12 to get to the threshold of the driveway?

13 A. Again, 40 to 50 yards.

14 Q. And is this where the driveway meets the street?

15 A. Correct.

16 Q. And do you recall the name of the street?

17 A. River Road.

18 Q. And you gave me an address earlier.

19 Was that the address to that residence?

20 A. I'm pretty sure it is, yes, sir. 22240.

21 Q. Was there an airship overhead during this time

22 frame?

23 MR. RAMIREZ: Vague and ambiguous as to what time

24 frame.

25 MR. GALIPO: Well, the time frame we have been

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1 talking about. So the 60 seconds that you saw Mr. Llamas --

2 MR. RAMIREZ: In other words --

3 MR. GALIPO: I'm sorry?

4 MR. RAMIREZ: -- in the driveway area, we're talking
5 about that.

6 MR. GALIPO: Yeah. Basically, I'm just wondering
7 because sometimes, you know, the sergeant may be aware an
8 airship was overheard because he saw it, heard it, or there
9 were some communications with the airship.

10 BY MR. GALIPO:

11 Q. And I'm just wondering, during the time that you saw
12 Mr. Llamas with the gun to his head that we were talking
13 about earlier, did you have an understanding or knowledge
14 whether there was an airship overhead?

15 A. I knew there was an airship overhead.

16 Q. And was there any communications that you could hear
17 from time to time from the airship?

18 A. Yes, sir.

19 Q. And were they making any communications regarding
20 Mr. Llamas or the gun to his head?

21 A. Were they making communications with us on the
22 ground, or with the suspect, Mr. Llamas?

23 Q. Either one that you could hear.

24 A. Both.

25 Q. All right. Let's break it down.

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1 How about the communications to you, what do you

2 recall?

3 A. I recall that Deputy Tom Davis -- I just know who he
4 is because he was on our team for a little bit. He's the
5 tactical flight officer. He was putting out communication
6 that Mr. Llamas before he emerged onto the pavement of River
7 Road before we saw him, that Mr. Llamas had the gun to his
8 head and in his mouth.

9 Q. And what tactical channel were those communications
10 being made over?

11 A. Probably SEB. So we have four tac channels that are
12 assigned to our team SEB. Tac 1, 2, 3, and 4. At the time I
13 don't recall if 4 was actually in play, but that channel is
14 typically patched with the patrol channel, but which SEB tac
15 channel, I don't recall.

16 Q. Do you know if those communications were recorded?

17 A. I don't know. I know they typically are, yes.

18 I'm sorry. On the radio, yes, they typically are
19 recorded via dispatch in Downtown.

20 Q. Anything else you recall hearing from the
21 helicopter?

22 A. Again, are we talking -- yes.

23 There was communications, you know, when he fled
24 north that they were giving his direction of travel, the
25 direction of the female's travel, and then just the

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1 information about the gun to his head and his mouth.

2 And then once he was street side, and we saw him, I

3 don't recall any communications from the helicopter at that

4 point.

5 Q. What do you recall hearing about the female?

6 A. Just that she was fleeing in a direction different
7 from him. He fled more in a northerly direction from where
8 the shots were fired.

9 She fled kind of like easterly direction.

10 Q. So you're running to the mouth of the driveway, and
11 there is another officer running near you?

12 A. Yes, sir.

13 Q. Can you remind me of the other officer's name
14 again?

15 A. Deputy Jimmie McGuire.

16 Q. Okay. I couldn't read my own writing.

17 So thank you.

18 A. That's all right.

19 Q. Do you have happen to remember as you were
20 approaching this driveway, whether Deputy mcGuire was ahead
21 of you, behind you, or to one of your sides as you were
22 running?

23 A. I believe he was off to my left side basically equal
24 with me, not in front of or not really behind.

25 Q. And so you had some information of the direction of

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1 travel of Mr. Llamas from the airship?

2 A. At which point?

3 Q. Well, I think you said they said he was running
4 north?

5 A. So again, he ran, that I know of, two different
6 times. After the shot was fired in the tree line, he fled
7 north to the paved road of River Road. That's where we saw
8 him.

9 And then he fled again. Both times -- I'm sorry --
10 both times he fled was mostly in a northerly direction.

11 Q. Did the -- when he fled the second time in a
12 northerly direction when you and Deputy McGuire were running
13 towards the driveway, was the airship continuing to broadcast
14 where he was?

15 A. I'm sure they were, but I don't recall specifically
16 what was said from them.

17 Q. Now, at some point he comes in view again; is that
18 correct?

19 A. That's correct.

20 Q. And where were you in relation to the street or the
21 mouth of the driveway when he came back into view?

22 A. I was in the mouth of the driveway probably ten feet
23 north of the actual pavement, the paved roadway.

24 Q. So you're actually in the driveway?

25 A. Yes, sir.

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1 Q. About ten feet from the street?

2 A. Ten feet north of the pavement if that makes sense
3 because it's -- the driveway's dirt.

4 Q. And was Deputy McGuire still to your left?

5 A. I believe he was at this time, yes.

6 Q. And then when you see Mr. Llamas again, where is
7 he?

8 A. Directly in front of me to the north about 40 to 50
9 yards north of me.

10 Q. I have a lot of 40 to 50 yards estimates.

11 A. I know.

12 Q. But if that's what it is, that's what it is.

13 A. That's my best estimate to be honest.

14 Q. If I watch a football game and the announcer says
15 this part I usually punts between 40 and 50 yards, I'm going
16 to remember this deposition.

17 A. All right. All right.

18 Q. Okay. So how much time passed from you seeing
19 Mr. Llamas again in the driveway and you firing your shot?

20 A. I would say 15 seconds or less.

21 It was fairly quick.

22 Q. Did you hear other than -- I'm not talking about the
23 shot that might have possibly be fired at the K-9, but when
24 you were in the driveway, did you hear any shots being fired
25 before your shot?

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1 A. Not before.

2 Q. Did you stop at some point in the driveway before
3 you fired?

4 A. Yes, sir. It was right around that ten-foot mark is
5 where I stopped.

6 Q. And you're saying you were stopped there for
7 approximately 15 seconds or so?

8 A. It was less than that. As soon as I crested the
9 mouth of the driveway and I turned to face north, is when I
10 saw Mr. Llamas in front of me.

11 And I took maybe a couple steps, and then stopped.

12 Q. So I just want to make sure I'm understanding you.

13 When you see him again, so he comes in your vision
14 again to the -- in the driveway to the time you fire your
15 shot, how much time passed between those two points?

16 A. Again, I would say less -- it was pretty quick.

17 So I think I initially said 15 seconds.

18 It was probably less than that.

19 Q. Okay.

20 A. It was pretty quick.

21 Q. Did you hear Mr. Llamas say anything in that time
22 frame between seeing him and firing your shot?

23 A. No, I did not.

24 Q. What was he initially doing when you first saw him
25 in the driveway?

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1 A. When I first saw him, again, he was walking kind of
2 in a westerly direction initially with the gun to his head.

3 Q. And was it still in his right hand?

4 A. Yes, sir.

5 Q. And still to the right side of his head?

6 A. That's correct.

7 Q. Did you have a body-worn camera on at the time?

8 A. I was wearing a body-worn camera, yes.

9 Q. Was it working, if you know, or turned on?

10 A. I eventually turned it on, yes.

11 Q. Did you turn it on before or after the shooting?

12 A. After.

13 Q. And why did you turn it on after?

14 A. So when on the team a lot of these missions that
15 we have are drawn out, long drawn out thing. So we typically
16 turn in on and off in order to conserve battery.

17 So when I changed my position from where the initial
18 shot was fired, at some point I deactivated my body-worn
19 camera in order to conserve battery. And when this all
20 occurred, I just did not click it on prior to me shooting,
21 but my --

22 Q. Did you -- I'm sorry. Go ahead.

23 A. My footage was captured via the recall, the recall
24 mode of the body-worn camera.

25 Q. How far does it go back?

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1 A. I think it's 30 seconds, I believe.

2 Q. Did it capture the shooting itself?

3 A. I believe it did, yes. There is no audio.

4 There is video, but no audio.

5 Q. Does it capture the time frame that Mr. Llamas had
6 the gun to his head before he ran?

7 A. My body-worn camera?

8 Q. Yes.

9 A. When he through the street, no my body-cam did not
10 capture that.

11 Q. So it sounds like with everything going on, you
12 didn't turn it on before the shooting, but after the shooting
13 you realized you should turn it on?

14 A. Yes, sir.

15 Q. So that time frame what we are talking earlier when
16 you were on the driver side and then went to the passenger
17 side, you didn't turn it on during that time frame?

18 A. That's correct.

19 Q. Do you know if Deputy McGuire had his body-worn
20 camera turned on?

21 A. Deputy McGuire did not.

22 He was not wearing a body-worn camera.

23 Q. And do you know why some of the -- like you had one
24 on, and he didn't?

25 Do you know why that is?

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1 A. Yes, sir. At the time the direction from my command
2 was from Sheriff's Administration that our team was exempted
3 from policy regarding body-worn cameras on SWAT operations.
4 And at the time we had implemented that sergeants would wear
5 them, and deputies at the time were not wearing them.

6 **Q. Is that still the same now, or is that policy**
7 **changed?**

8 MR. RAMIREZ: I'll object to relevance.

9 But you may respond.

10 THE WITNESS: Our policy has now changed.

11 BY MR. GALIPO:

12 **Q. And is it changed so that everyone has body-worn**
13 **cameras, or is it changed so that the sergeants don't**
14 **either?**

15 A. It's changed to where everybody wears one.

16 **Q. Okay. So going back to the driveway when he comes**
17 **back into view, it sounds like you stopped in that position**
18 **you talked about, ten feet from the roadway?**

19 A. Yes, sir.

20 **Q. And that Deputy McGuire, I think, would be somewhere**
21 **to your left?**

22 A. That's correct.

23 **Q. And at this point when Mr. Llamas comes back into**
24 **your view, he is like 40 or 50 yards from you?**

25 A. That's correct.

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1 Q. And initially, when you see him he is walking, and
2 he still has the gun to the right side of his head?

3 A. Yes, sir.

4 Q. Do you give him any commands in between seeing him
5 and you firing your shot?

6 A. No, I do not.

7 Q. Do you know if Deputy McGuire gave him any commands
8 in that time frame?

9 A. I don't believe so.

10 Q. Did either one of you give him any verbal warning
11 that you were going to shoot him?

12 A. No, I did not.

13 Q. Di you know if the airship was giving him any
14 commands after you saw him in the driveway?

15 A. I'm unaware of him given commands at that point.

16 Q. Which compass direction would you have been facing
17 when you were in the driveway as you described?

18 A. Basically northerly direction.

19 Q. And when you first saw him you said he was walking;
20 correct?

21 A. Correct.

22 Q. Which direction compass-wise was Mr. Llamas
23 walking?

24 A. In a westerly direction.

25 Q. So he would be walking from your right-to-left.

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1 Do I have that correct?

2 A. That's correct.

3 Q. And for how long of a period of time did you see the
4 gun to his head after he reappeared, but before you fired
5 your shot?

6 A. Just a couple of seconds.

7 Again, it was very, very quick.

8 Q. So when you told me 15 seconds earlier, that
9 probably was a little bit on the long side?

10 A. Absolutely. The time that I reacquired Mr. Llamas
11 in the mouth of the driveway to the time that I fired was
12 very, very fast. I don't know the exact time frame.

13 Q. Okay. Obviously, I'm not expecting exact, but can
14 you give me like a range?

15 Are we talking like two to three seconds?

16 I mean when you say very fast, what do you think?

17 A. I would say five seconds or less.

18 Q. Okay. And during some of that time frame, you saw
19 the gun to his head?

20 A. That's correct.

21 Q. And did you see the gun move from that position at
22 some point?

23 A. Yes, sir, I did.

24 Q. And how did you see the gun move?

25 A. As Mr. Llamas was walking in a westerly direction,

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1 he kind of bladed his upper body towards Mr. Deputy McGuire
2 and I, towards our location, and the gun dropped from
3 basically this to more this where he's pointed it directly at
4 our position.

5 Q. Okay. So when you say bladed, would he -- are you
6 saying he kind of turned slightly to his left?

7 A. That's correct.

8 Q. And you're saying the gun came from a position on
9 the right side of his head, and it lowered down so it was
10 coming in your direction?

11 A. That's correct.

12 Q. Based -- again, based on your training and
13 experience, do you think it would have been appropriate to
14 shoot Mr. Llamas in the driveway if the gun had stayed up to
15 the right side of his head?

16 A. If Mr. Llamas had kept the gun just pointed at his
17 head, no, it would not have been appropriate to fire.

18 Q. And is that for the same reasons we discussed
19 earlier, because you wouldn't have an immediate threat of
20 death or serious bodily injury if that was the case?

21 A. Yes, sir.

22 Q. You don't recall any commands given to Mr. Llamas to
23 drop it, meaning, drop the gun after you saw him in the
24 driveway?

25 A. There were commands given to him to drop the weapon

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1 before he fled north again, but when we reacquired him when I
2 was in the driveway, there were not additional commands,
3 no.

4 Q. Okay. Now your weapon that you had, are you
5 familiar with that weapon?

6 A. Are you talking about the weapon I used for the
7 actual shooting? Because I was in possession of two weapons
8 at the time.

9 Q. Yeah. The one used for the shooting.

10 A. Yes, sir. I'm familiar with it.

11 Q. Did you also have a handgun?

12 A. That's correct.

13 Q. What caliber was that?

14 A. 9-millimeter.

15 Q. Okay. I'm sure you are familiar with both weapons;
16 is that fair?

17 A. Yes, sir.

18 Q. And have you taken the 556 to the shooting range
19 before?

20 A. Absolutely. Yes, sir.

21 Q. And given your knowledge of that weapon, do you have
22 an understanding as to how many shots in a second you can
23 fire from that weapon?

24 A. I'm trained on that, yes, sir.

25 Q. And what is your understanding of the capability of

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1 the weapon?

2 A. Of how many rounds I can round per second?

3 Q. Yes.

4 A. I would say between six and eight rounds per
5 second.

6 Q. And is that something you know from actual training
7 and experience?

8 A. Yes, sir. And that's accurate rounds, not just
9 pulling the trigger.

10 Q. Accurate rounds?

11 A. That's correct.

12 Q. And in this case you're saying you only fired one
13 round?

14 A. That's correct.

15 Q. And why did you only fire one round?

16 A. When I fired my one round Mr. Llamas immediately
17 went down. As he went down I could see that he was still
18 moving around, but I could no longer see the weapon.

19 I couldn't see his hands or anything like that.

20 So I no longer could see that he was an immediate
21 threat to myself or anybody else at that moment.

22 Q. And were you still standing in this position in the
23 driveway you described?

24 A. That's correct.

25 Q. And Deputy McGuire was still generally to your

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1 left?

2 A. Yes, sir.

3 Q. Did he have a similar type weapon as you?

4 A. Yes, sir, he did.

5 Q. And did you hear any shots fired after Mr. Llamas
6 went to the ground?

7 A. Yes, I did.

8 Q. How many shots did you hear fired after he went to
9 the ground?

10 A. Three to four rounds.

11 Q. And if you know, who was firing those rounds?

12 A. Deputy McGuire.

13 Q. And I think you've already told me this, but did you
14 fire any rounds at all after Mr. Llamas went to the ground?

15 A. No, sir, I did not.

16 Q. Okay.

17 MR. GALIPO: Is this a good time for everyone?

18 We'll take our first break for about ten minutes?

19 THE WITNESS: Sure.

20 MR. RAMIREZ: That works.

21 MR. GALIPO: Okay. Thank you, all.

22 Off the record.

23 (Recess taken.)

24 THE VIDEOGRAPHER: We're going back on the record at

25 2:24 p.m.

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1 MR. GALIPO: Okay. Are we ready to continue?

2 BY MR. GALIPO:

3 Q. You indicated to me earlier that you fired one shot;
4 is that correct?

5 A. Yes, sir.

6 Q. And the weapon --

7 (Audio interruption.)

8 A. That wasn't me, sir.

9 Q. I know that. And the weapon that you were firing
10 from has the capabilities with you firing to fire six to
11 eight shots in a second?

12 A. That's correct.

13 Q. Are you actually saying the gun was pointed at
14 you?

15 A. Mr. Llamas -- no. I don't believe that the -- the
16 muzzle of his weapon was moving towards my direction.

17 Q. You're not saying the gun was pointed at you?

18 A. That's correct.

19 Q. And with the muzzle of his weapon moving in your
20 direction, you only fired one shot even though you had the
21 capability of firing six to eight in a second?

22 A. Yes, sir.

23 Q. And I think you've told me earlier that you didn't
24 hear any shots being fired before you fired your shot?

25 A. That's correct.

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1 Q. So would it be correct to say you never had the
2 impression that Mr. Llamas was firing at you?

3 A. That's correct.

4 Q. At some point you became aware that Deputy McGuire
5 was firing?

6 A. I knew that Deputy McGuire and I -- when I fired,
7 Deputy McGuire fired pretty much simultaneous to me.

8 Q. And so with respect to Deputy McGuire, there would
9 have been two volleys of shots?

10 A. That's correct.

11 Q. And how much time would you estimate separated the
12 first volley of shots from Deputy McGuire to the second
13 volley?

14 A. Two to three seconds.

15 Q. And during that two to three seconds was Mr. Llamas
16 on the ground?

17 A. Yes, sir.

18 Q. And he was still 40 to 50 yards away?

19 A. That's correct.

20 Q. Is your vision pretty good as far as you know?

21 A. Yes, sir. It's pretty good.

22 MR. RAMIREZ: As far as he can see.

23 BY MR. GALIPO:

24 Q. Do you wear or are you required to wear corrective
25 lenses?

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1 A. No, sir.

2 Q. It was light outside at the time?

3 A. It was like basic kind of -- the sun was going down
4 at the time, but it was not dark.

5 Q. When you were firing your shot, do you know if
6 Mr. Llamas' buttocks was exposed to you?

7 A. I don't know that for sure.

8 Q. You don't know one way or the other?

9 A. Not one way or the other. Again, when I fired my
10 shot, Mr. Llamas was turning towards his left, his upper body
11 towards my left.

12 So I would think yes, his buttocks was exposed to
13 me, yes.

14 Q. If I recall your testimony, you're facing generally
15 north?

16 A. Correct.

17 Q. And when you see Mr. Llamas emerge in the driveway,
18 he's walking generally westbound from your right to left?

19 A. That's correct.

20 Q. I'm trying to see if you can give me a description
21 or an estimate as to how much his body turned to the left.

22 I was thinking of the hands of a clock. I don't
23 know if that would help us at all, but I was imagining
24 someone at the bottom 6 facing towards 12, and him walking
25 towards 9.

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1 And if that's not comfortable for you, maybe anyway
2 you want to describe it.

3 I don't know if he turned ten degrees, a quarter
4 turn, however you want to describe it.

5 A. Right. I mean if you're calling his direction of
6 travel like 12 o'clock, he would have moved his body towards
7 like the 9 clock, but I would say it probably got to like the
8 upper body to roughly -- I don't know -- between 9 and 10
9 o'clock-ish if that makes sense.

10 Q. Yeah. So slightly less than a quarter turn?

11 A. I would say yes.

12 Q. Do you have an estimate as to how many shots were
13 fired in the first volley by Deputy McGuire?

14 I think you told me three to four already; is that
15 right?

16 A. No, sir. That was the second volley.

17 Q. Okay. The second volley.

18 Your memory is better than mine right now.

19 I think my morning deposition tired me out.

20 How many shots were fired in the first volley by
21 Deputy McGuire if you can give an estimate?

22 MR. RAMIREZ: Calls for speculation.

23 But if you can respond, you may.

24 THE WITNESS: I estimate three to four from Deputy
25 McGuire.

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1 BY MR. GALIPO:

2 Q. So three to four in the first volley by Deputy
3 McGuire, and also approximately three to four in the second
4 volley?

5 A. That's correct.

6 Q. Was anything said by either you or Deputy McGuire to
7 Mr. Llamas between Deputy McGuire's first volley and second
8 volley?

9 A. No, sir.

10 Q. And you would have observed Mr. Llamas go to the
11 ground?

12 A. I would have observed? I saw --

13 Q. No. You did observe that?

14 A. I did.

15 Q. Was it your impression that he was struck by at
16 least one of the shots when he went to the ground?

17 A. Yes, sir.

18 Q. And then how did his body position end up on the
19 ground?

20 In other words, was he on his back, his chest-down,
21 or in some other position?

22 A. I didn't have a clear visual of Mr. Llamas at this
23 point when he was down. Just I could see that he was kind of
24 moving around. I could see like his body movement.

25 I couldn't see his actual positioning whether it was

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1 prone or on his back or anything. I couldn't see that.

2 Q. What part of his body could you see?

3 A. Like I could see his knees for sure kind of moving
4 around.

5 Q. Do you know if you could see his head or face?

6 A. I could not.

7 Q. Were you looking at him when he was on the ground
8 immediately after he went down?

9 A. Yes, sir.

10 Q. And was your gun still pointed in his direction?

11 A. General direction, yes.

12 Q. Did you see him pointing a gun at you or Deputy
13 McGuire after he went to the ground?

14 A. I did not see that, no.

15 Q. Did you see a gun in his hand after he went to the
16 ground and before Deputy McGuire fired his second volley?

17 A. No, sir.

18 Q. Did you see any gun in his hand or around Mr. Llamas
19 during the time frame Deputy McGuire fired his second
20 volley?

21 A. Can you restate the question?

22 Q. Sure. During the shots, so during the second volley
23 of shots, did you see Mr. Llamas with a gun in his hand?

24 A. No, sir.

25 Q. At any time on-scene after the shooting, did you

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1 tell Deputy McGuire that you saw the gun coming in your
2 direction before you fired?

3 A. I don't call having conversation with Deputy McGuire
4 as to him orienting the weapon towards us or anything like
5 that. I don't recall that.

6 Q. Do you recall Deputy McGuire indicating that you to
7 at all?

8 A. Deputy McGuire did make a statement after his second
9 volley that he saw Mr. Llamas with the gun pointed in our
10 direction.

11 Q. Okay. And is that statement, if you know, captured
12 on an audio recording?

13 A. I believe it was caught on Lieutenant Walsh's
14 body-worn camera.

15 Q. Okay. This is just something you didn't see; is
16 that fair?

17 A. I did not see it, correct.

18 Q. Did you approach Mr. Llamas at some point after all
19 the shots had been fired?

20 A. Yes, sir.

21 Q. And did Deputy McGuire also approach him?

22 A. Yes, sir.

23 Q. What position was his body in when you
24 approached?

25 A. I recall I believe he was laying on his left side.

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1 I'm sorry -- his right side, kind of facing the
2 driveway. His head was facing south towards the driveway,
3 but he was laying, I believe, he was laying on his right side
4 with his right arm on his -- on the ground.

5 Q. The driveway we're speaking of, is it a dirt
6 driveway?

7 A. Yes, sir.

8 Q. And does it run essentially north-south?

9 A. Yes, sir.

10 Q. And when you approached Mr. Llamas, would his head
11 be more towards the north or some other direction?

12 A. His face would be facing to the south, the top of
13 his head would be facing west.

14 Q. Okay. So his head would have been more to the west
15 and his feet more to the east?

16 A. Correct.

17 Q. But when you say facing, actually you mean like
18 looking south on his right side?

19 A. Mr. Llamas was looking directly at us laying on his
20 right side.

21 Q. As you approached?

22 A. That's correct.

23 Q. And was it just you and Deputy McGuire that
24 approached him, or did some other officer approach with
25 you?

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1 A. Lieutenant Walsh approached with us.

2 Q. And do you have an estimate as to how much time
3 passed from the shots being fired to the approach?

4 A. Are you talking about the second volley of shots?

5 Q. Yeah. The second volley.

6 I'm talking about the second volley.

7 A. I got you. It was pretty much immediate.

8 As soon as that second volley was done, we knew that
9 he had to advance on Mr. Llamas and put him -- and apprehend
10 him.

11 So I would say as soon as Deputy McGuire stopped
12 firing, it was a matter of two to three seconds that were on
13 the move.

14 Q. Did you notice any wounds to him when you approached
15 him?

16 A. I don't recall seeing any wounds to Mr. Llamas.

17 Q. Did he say anything when you approached him?

18 A. Mr. Llamas?

19 Q. Yes.

20 A. No, sir.

21 Q. Was he handcuffed?

22 A. He was eventually handcuffed, yes.

23 Q. When you say eventually, how much time passed after
24 approaching until he was -- but before he was handcuffed?

25 A. I didn't -- I would say 20 seconds.

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1 Q. Was he still alive at the time you handcuffed him?

2 A. I don't know.

3 MR. RAMIREZ: May call for medical opinion.

4 But you may answer.

5 THE WITNESS: I don't know, sir.

6 BY MR. GALIPO:

7 Q. Did anyone check his breathing, if you know?

8 A. I don't know if his breathing was specifically
9 checked.

10 Q. Do you know if anyone checked for a pulse?

11 A. I don't know.

12 Q. Did you say anything to him as you were approaching
13 him?

14 A. No, I did not.

15 Q. Did you hear anyone else saying anything else to
16 him?

17 A. I don't recall anything being said directly to
18 Mr. Llamas.

19 Q. Was any medical attention given to him by any of the
20 deputies that you observed?

21 A. Yes.

22 Q. What medical attention did you observe?

23 A. Lieutenant Walsh asked me to grab his unit which was
24 at the threshold of the driveway which I was unaware of, and
25 that he had a medical kit on his seat.

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1 So I retrieved Lieutenant Walsh's unit; drove it
2 down the driveway; and then gave Lieutenant Walsh the medical
3 kit.

4 At the same time I requested medical to respond up
5 to our location, and I went back to the threshold to escort
6 them in.

7 **Q. Did you observe medical attention being given to**
8 **Mr. Llamas?**

9 A. I don't recall observing any medical attention
10 specifically given to him.

11 I have witnessed it watching Lieutenant Walsh
12 body-cam, but I don't recall that the day of.

13 **Q. Okay. You don't recall seeing it at the time, but**
14 **in reviewing the body-worn camera footage, you observed**
15 **that?**

16 A. That's correct.

17 **Q. And from observing the body-worn camera footage, if**
18 **you know, who was giving medical attention to Mr. Llamas?**

19 A. I believe it was Lieutenant Walsh.

20 **Q. And could you tell what type of medical attention he**
21 **was giving, whether they were seals or something else?**

22 A. By seals, do you mean like chest seals?

23 **Q. Yes.**

24 A. No. It was more, gauze like attending to like a
25 bleeding.

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1 Q. How long did you stay on-scene after the shooting?

2 A. This is a rough estimate, 20 to 30 minutes-ish.

3 I don't recall. I had to assist patrol with a
4 couple of things, and I honestly I would say 20 to 30
5 minutes.

6 Q. And you indicated, I think, that you have seen some
7 of the video footage, and you were permitted to watch some of
8 it before you gave your interview?

9 A. The interview after, yes, sir.

10 Q. In terms of your training on tactics, are you
11 generally trained if you believe someone's armed with a
12 firearm, to try to have access to positions of cover if you
13 can?

14 A. If the situation allows for it, yes.

15 It's obviously ideal to have some position of cover
16 and concealment.

17 Q. Is that one of the reasons you were using the car
18 for some partial cover earlier in the incident?

19 A. Yes, sir.

20 Q. In terms of commands, are you generally trained to
21 give commands in a loud, clear voice if you can?

22 A. Yes, sir.

23 Q. And are you trained to give the person an
24 opportunity to comply with the commands if you can safely do
25 so?

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1 A. Yes, sir.

2 Q. With respect to deadly force, are you generally
3 trained that deadly force should only be used if there is an
4 immediate or imminent threat of death or serious bodily
5 injury?

6 A. That's correct.

7 Q. And as part of that training, are you trained that
8 that essentially means that the person has the ability,
9 opportunity, and apparent intent to immediately cause death
10 or serious bodily injury?

11 A. Yes, sir. That's correct.

12 Q. And are you generally trained if those requirements
13 are not there, in other words, there is not an immediate
14 threat of death or serious bodily injury, then deadly force
15 should not be used?

16 A. That's correct.

17 Q. And are you trained that officers have to be able to
18 justify each shot when using deadly force?

19 A. We're trained to, yes, sir.

20 Q. Are you trained that a verbal warning that you're
21 going to use deadly force should be given when feasible?

22 A. When feasible, yes, sir.

23 Q. And I think you've already told me this, but you
24 would agree under the facts of this case based on your
25 training, it would not have been appropriate to shoot

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1 Mr. Llamas for running away with and holding the gun to his
2 head if it had stayed in that position?

3 MR. RAMIREZ: Asked and answered.

4 But you may respond.

5 THE WITNESS: That's correct. Based on what your
6 question is, if he had just kept the gun in his head, that in
7 and of itself would not have allowed for deadly force.

8 BY MR. GALIPO:

9 Q. And running away in and of itself under these facts
10 would not have been sufficient based on your training to
11 shoot him; is that fair?

12 A. I would say that's fair.

13 Q. Okay.

14 MR. GALIPO: We're going to try, Gene, just to show
15 a few of these videos.

16 MR. RAMIREZ: Okay.

17 MR. GALIPO: And I'm going to have Ms. Shannon Leap
18 help me with that.

19 Hopefully, this will show, so everybody could see
20 it.

21 Which one you want to start with, Shannon?

22 MS. LEAP: I have the overhead one ready to go if
23 you want to start with that.

24 MR. GALIPO: Okay. We'll mark that as Exhibit 1.

25 I think, Sergeant, this is the overhead view from

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1 the helicopter.

2 THE WITNESS: Okay.

3 MS. LEAP: And it's the critical incident video.

4 THE WITNESS: Oh, it's the critical incident video
5 from the Sheriff?

6 MS. LEAP: It's from that, yeah.

7 THE WITNESS: I got you.

8 (Exhibit 1 was marked for identification.)

9 MS. LEAP: Can everyone see that?

10 MR. RAMIREZ: Yes.

11 MR. GALIPO: Okay. Why don't we play it once
12 through this portion, and it looks like it's starting at --
13 is it 5 minutes in?

14 MS. LEAP: Yes.

15 MR. GALIPO: Okay. And then I might have you play
16 it again and stop it, but why don't we -- we see a figure
17 that looks somewhat white in this.

18 BY MR. GALIPO:

19 Q. Is that, if you know, represent Mr. Llamas?

20 A. Yes, it does.

21 Q. And is it your understanding this comes on the
22 bottom-left from the helicopter?

23 A. Yes, sir.

24 Q. And on the upper-right, is it your understanding
25 that's footage from body-worn camera?

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1 A. Yes, that's correct.

2 Q. I think they tried to sync them, but we'll see.

3 Let's play it, please.

4 (Video playing.)

5 MR. GALIPO: Okay. Let's go back to five, and I'm
6 going to ask you to stop it at various times, Shannon.

7 BY MR. GALIPO:

8 Q. And there is different people saying different
9 things, Sergeant. So if you can listen to that, I might ask
10 you if you know who was saying that, whether it was the
11 ground unit or the airship and whether you heard that at the
12 time.

13 MR. GALIPO: So let's start again, and I'll tell you
14 when to stop, Shannon.

15 (Video playing.)

16 MR. GALIPO: Okay. Let's stop.

17 (Video paused.)

18 BY MR. GALIPO:

19 Q. So did you hear "Drop the gun" being yelled out?

20 A. Yes, sir, I did.

21 Q. Do you know who was saying that?

22 A. Lieutenant Walsh.

23 Q. Okay. And then it sounded like, "If he budges, you
24 tack him."

25 I don't know if I got that right or not.

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1 A. Tag, T-a-g.

2 Q. Oh, tag him. Did you hear that when we just played
3 the audio?

4 A. I heard it on the audio, yes, sir.

5 Q. What do you understand that to mean, if he budges,
6 you tag him?

7 MR. RAMIREZ: May call for speculation.

8 But you may respond if you understand.

9 THE WITNESS: I understand. I understood that as if
10 he lowers the weapon from his head and presents it towards
11 us, then it becomes a lethal force encounter.

12 BY MR. GALIPO:

13 Q. Okay. So budges, you understood as movement of the
14 weapon?

15 A. That's correct.

16 Q. And tag him, you understood to mean shoot him?

17 A. Yes, sir.

18 Q. And that was the lieutenant saying that?

19 A. Correct.

20 Q. Okay.

21 MR. GALIPO: Let's play a little more, please.

22 (Video playing.)

23 MR. GALIPO: Let's stop it again.

24 (Video paused.)

25 BY MR. GALIPO:

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1 Q. Is that the lieutenant continuing to give those
2 commands?

3 A. That's correct.

4 Q. And then he starts saying something like, "Don't let
5 him."

6 Did you hear that portion?

7 A. Yes, sir.

8 Q. Did you understand what he was referring to?

9 MR. RAMIREZ: May call for speculation.

10 But you may respond if you can.

11 THE WITNESS: Yes. I knew what he was going to
12 say.

13 BY MR. GALIPO:

14 Q. What was that?

15 A. To not let him get towards that -- there is a house
16 at the end of that driveway, and to not allow the suspect to
17 get towards that house.

18 Q. Did you interpret that to mean that if he got
19 towards the house, it was okay to shoot him?

20 MR. RAMIREZ: Vague and ambiguous to the term "okay
21 to shoot him."

22 But you may respond if you understand.

23 THE WITNESS: No. I don't believe that that was a
24 command that if he gets to the house, we can just blatantly
25 shoot him, but there still has to be more to it when we pull

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1 the trigger. In and of itself, no.

2 BY MR. GALIPO:

3 Q. Okay. All right. Thank you.

4 And we stopped it at 5:23.

5 Let's play it, please.

6 (Video playing.)

7 MR. GALIPO: Stop a moment.

8 (Video paused.)

9 BY MR. GALIPO:

10 Q. So who is saying, "We got to move up on a unit" or
11 something like that?

12 A. All these commands are still Lieutenant Walsh.

13 Q. Okay. And what did you understand that to mean?

14 A. I knew that we had to close the distance between us
15 and the suspect because of the house that was at the end of
16 that driveway.

17 Q. Okay. And then let's -- we stopped it at 5:34.

18 Let's continue, please.

19 (Video playing.)

20 MR. GALIPO: Let's stop again.

21 (Video paused.)

22 BY MR. GALIPO:

23 Q. Was that the lieutenant again saying, "He's got
24 cover, he's got cover."

25 A. Yes, sir.

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1 Q. And also the lieutenant saying, "We got to move up
2 on him."

3 A. That's correct.

4 Q. Okay. And we can see him in the lower-left here,
5 but I take it during this time frame, you yourself could not
6 see him; is that correct?

7 A. Correct.

8 Q. Okay. We stopped it at 5:39.

9 MR. GALIPO: Let's continue.

10 (Video playing.)

11 MR. GALIPO: Let's stop it.

12 (Video paused.)

13 BY MR. GALIPO:

14 Q. We stopped it at 5:48.

15 If you know, has the shooting taken place yet?

16 A. No, sir.

17 Q. Okay.

18 MR. GALIPO: Continue.

19 (Video playing.)

20 MR. GALIPO: Stop.

21 (Video paused.)

22 BY MR. GALIPO:

23 Q. Can you tell if he is in the driveway or not, or
24 somewhere else?

25 A. I'm sorry. Can I tell if the suspect's in the

S.L., a minor by and through the Guardian, ET AL. vs COUNTY OF RIVERSIDE, ET AL.
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1 driveway?

2 Q. Yeah. He seem -- I'm looking at the lower left.

3 There seems to be some type of a pathway, but I

4 don't know what that is.

5 Do you know?

6 A. I believe that's still the driveway.

7 Q. Okay.

8 A. The driveway continues past the house.

9 Q. All right. And to your knowledge, has the shooting
10 taken place yet?

11 A. No, sir.

12 MR. GALIPO: All right.

13 We stopped it at 5:50.

14 Let's continue.

15 (Video playing.)

16 MR. GALIPO: Let's stop it.

17 (Video paused.)

18 BY MR. GALIPO:

19 Q. Did we just hear the first group of shots?

20 A. Yes, sir.

21 Q. And is the footage on the upper-right from your
22 body-worn camera?

23 A. I don't believe it is, no. This should be
24 Lieutenant Walsh's.

25 I'm not quite sure. It says Deputy 3.

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1 I'm not -- I don't think it's mine.

2 Can we rewind it just a couple of seconds so I
3 could --

4 **Q. Sure, sure. That might help you.**

5 MR. GALIPO: Let's go like five seconds back so
6 we can hear the shots.

7 THE WITNESS: So that's me on the left right there.

8 So no. This would be Lieutenant Walsh.

9 BY MR. GALIPO:

10 **Q. I got it. So he would have been somewhere behind**
11 **you?**

12 A. That's correct.

13 **Q. Does that refresh your recollection that McGuire**
14 **might have been to your right, not your left?**

15 A. Yes, sir. I stand corrected on that.

16 **Q. Okay.**

17 A. And then also the distance of the initial shot, I
18 mean you can see where Walsh's after the initial shot,
19 Lieutenant Walsh's truck it basically parked on the hard wall
20 of the road and the dirt.

21 So I think the ten foot would probably be pretty
22 accurate from my initial shot.

23 **Q. Okay. Did you ever try to use his vehicle as cover**
24 **at that point?**

25 A. I was unaware at that -- when the shooting occurred,

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1 I was a unaware that Lieutenant Walsh drove his vehicle.

2 I did not hear him say anything about the cover.

3 So my assumption at this moment was that Lieutenant
4 Walsh was on foot with us.

5 **Q. Okay. If you had heard that and seen the vehicle,**
6 **you might have considered that as an option?**

7 MR. RAMIREZ: Calls for speculation.

8 But you may respond.

9 THE WITNESS: It would have been considered, yes.

10 MR. GALIPO: Okay. We stopped it again at 5:50.

11 So let's move forward just a little bit and I'll
12 tell you when to stop.

13 (Video playing.)

14 MR. GALIPO: Stop.

15 (Video paused.)

16 BY MR. GALIPO:

17 **Q. So that was -- that was the first group of shots**
18 **that we heard; correct?**

19 A. That's correct.

20 **Q. And someone is saying, "Hold, hold, hold."**

21 **Do you know who that is?**

22 A. I have to listen to it again. It might be
23 Lieutenant Walsh, but I have to listen to it again.

24 **Q. Okay.**

25 MR. GALIPO: Let's go back and play that again for

S.L., a minor by and through the Guardian, ET AL. vs COUNTY OF RIVERSIDE, ET AL.
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1 the sergeant.

2 (Video playing.)

3 MR. GALIPO: Stop.

4 (Video paused.)

5 THE WITNESS: I believe that was Deputy McGuire.

6 BY MR. GALIPO:

7 Q. I think you indicated at this point it was difficult
8 for you to see exactly what body position Mr. Llamas was
9 in?

10 A. That's correct.

11 Q. And we stopped it at 5:58.

12 MR. GALIPO: Let's continue and see if we hear any
13 additional shots.

14 (Video playing.)

15 MR. GALIPO: Stop.

16 (Video paused.)

17 BY MR. GALIPO:

18 Q. So the additional shots, we can hear in that
19 segment?

20 A. Yes, sir.

21 Q. And after those shots, is someone saying, "We got to
22 move on him because the house could be occupied," is that the
23 lieutenant again?

24 A. That's correct.

25 Q. And then let's continue.

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1 I think this says footage from Sheriff's helicopter
2 slowed down and zoomed-in.

3 (Video playing.)

4 MR. GALIPO: We can stop that. Thank you for that,
5 Shannon.

6 (Video paused.)

7 BY MR. GALIPO:

8 Q. So it sounds like although you see the car in the
9 video, the lieutenant's car, and you heard the cover
10 references, at the time you were not aware the car was
11 there?

12 A. At the time of the shooting, that's correct.

13 Q. When did you first become aware the car was there
14 after the shooting?

15 A. When Lieutenant Walsh asked me to go get his unit
16 for his medical kit.

17 Q. Did you ever before you left the scene have contact
18 with the female?

19 A. I did not, no.

20 Q. Did you know, I think you mentioned earlier, she was
21 taken into custody at some point?

22 A. Yes, sir.

23 Q. And I think you've answered this, but you never
24 heard Mr. Llamas say anything; is that correct?

25 A. I never heard Mr. Llamas say one word the entire

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1 time I was there.

2 Q. Okay.

3 MR. GALIPO: I think we'll take our last break if
4 that's okay with everyone; come back about 3:10.

5 And Anthony, if you want to call our office, we can
6 put you on speaker phone or call me on the cell, whatever you
7 would like to do.

8 Okay. We'll take a break.

9 Thank you, all.

10 (Recess taken.)

11 THE VIDEOGRAPHER: And going back on the record at
12 3:14 p.m.

13 BY MR. GALIPO:

14 Q. Okay. Back on the record.

15 So I want to go back to just the few seconds before
16 the -- you fired your shot.

17 That's the time frame I'm going back to.

18 When you saw Mr. Llamas, is that when you came to a
19 stop at that location of the driveway, or were you stopped
20 before you saw him?

21 A. I believe I stopped as soon as I saw him.

22 Q. And we can at least see from the recent video
23 footage we looked at that Deputy McGuire would have been to
24 your right and slightly behind you; is that fair?

25 A. For the first volley, yes, sir.

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1 Q. And the lieutenant, although, you didn't know it at
2 the time, would have been behind both of you?

3 A. That's correct.

4 Q. And then for the second volley of shots, did you
5 know where Deputy McGuire was in relation to you?

6 A. I believe his second volley was off to my left.

7 Q. Okay. First volley to your right slightly behind
8 you, second volley to your left?

9 A. That's correct.

10 Q. And so when you first saw Mr. Llamas in the
11 driveway, he would have been a 120 to 150 feet from you?

12 A. Roughly. Yes, sir.

13 Q. And when you saw him at that point with the gun to
14 the right side of his head, it would have been that same
15 distance?

16 A. About that, yes, sir.

17 Q. And when you saw the movement of the gun that you
18 described, he would have still been about that same
19 distance?

20 A. Yes, sir.

21 Q. And then he went down to the ground almost
22 immediately after you fired your shot; is that fair?

23 A. It was pretty much simultaneous from me shooting to
24 him going down.

25 Q. And you had the impression you may have struck

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1 him?

2 A. I was under the impression he was struck by gunfire,
3 yes. Whether it was mine, that, I don't know that.

4 Q. And when he was on the ground, you continued to
5 maintain a visual on him?

6 A. That's correct.

7 Q. And he still would have been this 120 to 150 feet
8 away?

9 A. Correct.

10 Q. And at that point when he was on the ground, you're
11 saying you did not see a gun or a gun pointed in your
12 direction or coming in your direction; is that fair?

13 MR. RAMIREZ: Misstates his testimony.

14 But you may respond.

15 THE WITNESS: When he is on the ground, I did not
16 see the weapon going towards me. Prior to the shooting, I
17 did see the weapon moving towards me.

18 BY MR. GALIPO:

19 Q. Right. But when he was on the ground after the
20 first group of shots, did you see a weapon at all in his hand
21 whether it was pointed towards you, moving towards you, or
22 just in his hand?

23 A. At which point?

24 Maybe I misunderstood your question.

25 Q. That's okay. So after the first -- after your shot

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1 and Deputy McGuire's shot, he goes to the ground, and for the
2 next five seconds, ten seconds you're maintaining a visual on
3 him; correct?

4 A. Yes.

5 Q. During that next five or ten seconds, did you see a
6 gun in his hand at all?

7 A. So I believe I stated that the time lapse between my
8 first volley and the second volley was two to three
9 seconds.

10 Q. Right. Now I'm moving forward to when he was on the
11 ground.

12 A. Okay.

13 Q. So let me break it down. After he went to the
14 ground, but before you heard the second volley two or three
15 seconds later, did you see any gun in his hand?

16 A. No.

17 Q. During the second volley did you see any gun in his
18 hand?

19 A. No, sir.

20 Q. Immediately after the second volley, did you see any
21 gun in his hand?

22 A. Not immediately after, no, sir.

23 Q. And are you saying from the distance you were at
24 after he went to the ground, you could not tell what position
25 he was on the ground?

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1 A. Based on my position after he went down, I don't
2 know what exactly was obscuring my view of him, but whether
3 it would be the terrain, the angles of the driveway, things
4 like that, but I could see him moving around.

5 But I did not have a clear visual of him.

6 Q. I think you could say you could see his knees and
7 things like that?

8 A. That's what I recall, yes.

9 Q. Was there any tree or anything obstructing your view
10 of him, to your knowledge?

11 A. I don't recall one.

12 MR. GALIPO: Gene, do you have any questions of the
13 sergeant today?

14 MR. RAMIREZ: Yes, I do, if you don't mind.

15 MR. GALIPO: I don't mind.

16 EXAMINATION

17 BY MR. RAMIREZ:

18 Q. All right. Sergeant Hubacheck, when you approached
19 Mr. Llamas, did you see a gun?

20 A. Yes, I did.

21 Q. Where was the gun?

22 A. In his right hand.

23 Q. Where was the barrel pointing?

24 A. Directly at our approach as we walked up to him.

25 Q. Does Mr. Llamas have to be disarmed, in other words,

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1 the gun taken out of his hand before first aid could be
2 started?

3 A. Yes, sir.

4 Q. Mr. Galipo asked you if you knew the lieutenant's
5 truck was right next to you in the driveway, would you have
6 taken cover.

7 You said it would be considered.

8 What did you mean?

9 A. So the cover would have been considered, but based
10 on this particular situation, the cover probably would not
11 have been utilized because the time it would have taken to
12 utilize that, that would allow Mr. Llamas to continue his
13 motion towards that residence.

14 Q. Does that mean you were willing to put your own life
15 at risk by getting away from cover in order to prevent
16 Mr. Llamas from getting close to a house that might be
17 occupied?

18 A. Yes, sir.

19 MR. GALIPO: Objection. Leading.

20 MR. RAMIREZ: I have nothing further.

21 EXAMINATION

22 BY MR. GALIPO:

23 Q. So if I'm understanding your testimony, because I
24 thought you told me earlier the gun was not pointed at you
25 when you fired your first shot. I thought you said it was

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1 coming in your direction.

2 Did I misunderstand you?

3 A. I think you're misunderstanding my second with what
4 Mr. Ramirez just asked me, is when I fired my round, the
5 weapon was not directly pointed at me.

6 It was the muzzle of the weapon was moving towards
7 our direction. After all shots were fired and we approached
8 him, that's when I saw the weapon in his hand and the muzzle
9 pointed straight at us.

10 Q. Okay. Did you ever see the gun pointed at you
11 before you fired?

12 A. Not directly at me, no, sir.

13 Q. Did you ever see the gun pointed at you during the
14 first volley of shots including your shot and Deputy
15 McGuire's shots?

16 A. Not directly at me, no, sir.

17 Q. And I think you already told me this, but you didn't
18 see the gun pointed at you during the second volley; is that
19 correct?

20 A. That's correct.

21 Q. And if I also understand your testimony, you're
22 saying that him having the gun to his head or running away
23 based on your training would not justify shooting him; there
24 had to be more than that?

25 A. In a hypothetical, yes. But in this particular

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1 situation we did have more than that, but the gun to his head
2 alone is not justification for lethal force.

3 Q. And you're saying if the gun was not moving in your
4 direction, then based on your training and experience you
5 would not have shot?

6 A. I would not have shot, no.

7 Q. Okay.

8 MR. GALIPO: Gene, did you have any further
9 follow-up?

10 MR. RAMIREZ: Yes.

11 EXAMINATION

12 BY MR. RAMIREZ:

13 Q. When the lieutenant -- when Mr. Galipo asked you
14 about the lieutenant saying tag him or something of that
15 nature, did you take that as an order that you have to shoot
16 right then and there?

17 A. No, sir.

18 Q. Do you still have to make the individual decision as
19 to why you can press the trigger and shoot someone?

20 A. Yes, sir. It's up to each individual officer to
21 justify when they pull the trigger.

22 They cannot be given the order to do so.

23 Q. And are you trained that you have to allow the
24 suspect to shoot at you before you're allowed to defend
25 yourself with deadly force?

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1 A. No, sir, I'm not.

2 MR. RAMIREZ: I have nothing further.

3 EXAMINATION

4 BY MR. GALIPO:

5 Q. Do you recall -- I'm trying to remember the verbiage
6 that the lieutenant used regarding the tagging --

7 Go ahead.

8 A. "If he budes, tag him."

9 I believe that's what the words were.

10 Q. Okay. Thank you.

11 MR. GALIPO: Gene, anything else?

12 MR. RAMIREZ: No, sir. Thank you very much.

13 MR. GALIPO: You're welcome.

14 Anthony, are we good?

15 MR. BABAKHANIAN: Great.

16 MR. GALIPO: All right. I'd like to say hi to my
17 good friend, Larry Marks, that I see --

18 (Multiple, simultaneous colloquy)

19 MR. GALIPO: Hold on a second.

20 We have the video going.

21 Can we turn the video -- we're done, Noah.

22 VIDEOGRAPHER: Okay. Going off the record at 3:24

23 p.m.

24 (Deposition proceeding concluded at 3:24 p.m.)

25 * * *

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1 DECLARATION UNDER PENALTY OF PERJURY

2

3 Case Name: S.L., et al. vs. County of Riverside, et al.

4 Date of Deposition: December 18, 2024

5 Job No.: 116557

6

7 I, _____, hereby certify

8 under penalty of perjury under the laws of the State of

9 California that the foregoing is true and correct.

10 Executed this _____ day of _____,

11 20____, at _____, California.

12

13

14

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SHAWN HUBACHECK

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CERTIFICATE

OF

CERTIFIED STENOGRAPHIC SHORTHAND REPORTER

I, JINNA GRACE KIM, CSR No. 14151, a Certified
Stenographic Shorthand Reporter of the State of California,
do hereby certify:

That the foregoing proceedings were taken before me
at the time and place herein set forth;

That any witnesses in the foregoing proceedings,
prior to testifying, were placed under oath;

That a verbatim record of the proceedings was made
by me, using machine shorthand, which was thereafter
transcribed under my direction;

Further, that the foregoing is an accurate
transcription thereof.

I further certify that I am neither financially
interested in the action, nor a relative or employee of any
attorney of any of the parties.

IN WITNESS WHEREOF, I have subscribed my name, this
date: December 18, 2024.



Jinna Grace Kim, CSR No. 14151

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1 DEPOSITION ERRATA SHEET

2 Case Name: S.L., et al. vs. County of Riverside, et al.

3 Witness: Shawn Hubacheck

4 Date of Deposition: December 18, 2024

5 Job No.: 116557

6

7 Reason Codes: 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10

11 Page _____ Line _____ Reason _____

12 From _____ To _____

13 Page _____ Line _____ Reason _____

14 From _____ To _____

15 Page _____ Line _____ Reason _____

16 From _____ To _____

17 Page _____ Line _____ Reason _____

18 From _____ To _____

19 Page _____ Line _____ Reason _____

20 From _____ To _____

21 Page _____ Line _____ Reason _____

22 From _____ To _____

23 Page _____ Line _____ Reason _____

24 From _____ To _____

25 Page _____ Line _____ Reason _____

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1 DEPOSITION ERRATA SHEET

2 From _____ To _____

3 Page _____ Line _____ Reason _____

4 From _____ To _____

5 Page _____ Line _____ Reason _____

6 From _____ To _____

7 Page _____ Line _____ Reason _____

8 From _____ To _____

9 Page _____ Line _____ Reason _____

10 From _____ To _____

11 Page _____ Line _____ Reason _____

12 From _____ To _____

13 Page _____ Line _____ Reason _____

14 From _____ To _____

15 Page _____ Line _____ Reason _____

16 From _____ To _____

17

18 _____ Subject to the above changes, I certify that the
19 transcript is true and correct.

20 _____ No changes have been made. I certify that the
21 transcript is true and correct.

22

23

24

SHAWN HUBACHECK

25

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EXHIBIT 21

EXHIBIT 21

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1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA

3

4 S.L., a minor by and through the)
Guardian Ad Litem Kristine Llamas)
5 Leyva, individually and as successor-)
in-interest to JOHNNY RAY LLAMAS,)
6 deceased; V.L., by and through the)
Guardian Ad Litem Amber Snetsinger,)
7 individually and as successor-in)
interest to JOHNNY RAY LLAMAS,)
8 deceased; and CAROLYN CAMPBELL,)
individually,)

9

Plaintiffs,)

10

vs.)

11

COUNTY OF RIVERSIDE; and DOES 1-10,)
12 inclusive,)

13

Defendants.)

14

15

16

REMOTE VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF

17

JIMMIE MCGUIRE

18

FRIDAY, DECEMBER 20, 2024

19

20

21

22

23

Reported Stenographically By:

24

Jinna Grace Kim, CSR No. 14151

25

Job No.: 125233

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1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

3

4 S.L., a minor by and through the)
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individually,)

9

Plaintiffs,)

10

vs.)

11

COUNTY OF RIVERSIDE; and DOES 1-10,)
12 inclusive,)

13

Defendants.)

14

15

16

The remote videotaped videoconference deposition of
17 JIMMIE MCGUIRE, taken on behalf of the Plaintiffs, beginning
18 at 1:37 p.m., and ending at 4:02 p.m., on Friday, December
19 20, 2024, before Jinna Grace Kim, Certified Stenographic
20 Shorthand Reporter No. 14151.

21

22

23

24

25

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Jimmie McGuire on 12/20/2024

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Jimmie McGuire on 12/20/2024

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1 CALIFORNIA

2 FRIDAY, DECEMBER 20, 2024

3 1:37 P.M.

4 THE VIDEOGRAPHER: Good afternoon, everyone.

5 We're going on video record at 1:40 p.m. Pacific
6 time, and the date is December 20, 2024.

7 This is Media Unit 1 of the video-recorded
8 deposition of Deputy Jimmie McGuire in the matter of S.L., a
9 minor by and through the guardian ad litem Kristine Llamas,
10 et al. vs. County of Riverside and DOES 1-10, inclusive.

11 It's being filed in the United States District
12 Court, Central District of California, and the case number is
13 5:24-CV-00249-CAS-SP. And this deposition is being taken via
14 remote virtual Zoom.

15 My name is Noah Schevitz. I'm the legal
16 videographer; our court reporter today is Jinna Kim. We're
17 both here representing Huseby Global Litigation Services.

18 Counsel, would you please identify yourselves for
19 the record.

20 MR. GALIPO: Yes. Dale Galipo with Shannon Leap
21 from my office on behalf of the Plaintiffs.

22 MR. BABAKHANIAN: Anthony Babakhanian of
23 Mardirossian Akaragian, for Plaintiffs S.L. and Carolyn
24 Campbell.

25 MR. RAMIREZ: Gene Ramirez, Manning Kass, on behalf

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1 of the County of Riverside, Deputy McGuire, Sergeant
2 Hubacheck.

3 JIMMIE MCGUIRE,
4 called as a witness on behalf of the Plaintiffs, having been
5 first duly sworn remotely via videoconference, was examined
6 and testified as follows:

7 EXAMINATION

8 BY MR. GALIPO:

9 Q. Can you please state your name and spell your last
10 name.

11 A. Yes, sir. Jimmie McGuire, M-c-g-u-i-r-e.

12 Q. Are you able to hear me okay so far?

13 A. Yes, sir.

14 Q. If you have any trouble hearing me at any time, will
15 you please let me know?

16 A. I will, sir.

17 Q. I usually good about an hour and take a break, but
18 if you need to take break any time before that for any
19 reason, just let me know and we'll take a break at that time.

20 Okay?

21 A. Yes, sir.

22 Q. Have you had an opportunity to review any documents
23 or videos to prepare for the deposition?

24 A. Yes, I have.

25 Q. Can you please tell us what you've reviewed.

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1 A. I looked at documents; I listened to audio; I looked
2 at the videos you speak of, all of evidence involved, and
3 then obviously pictures and our policy, sir.

4 **Q. Let me just explore a few of those categories.**

5 **In terms of documents, which documents have you**
6 **reviewed?**

7 A. I reviewed the transcript of my interview. I think
8 it was taken on the date of this 416, possibly.

9 I could be wrong. Whenever my interview was.

10 I looked at the autopsy report and read that
11 thoroughly -- well, decently. And I think for documents I've
12 looked at the -- our CAD call. It's like the time stamps
13 through dispatch.

14 I think that's -- there may be a few other things, a
15 couple other things I can't think of, but that's the gist of
16 what I've seen.

17 **Q. How about the audio?**

18 A. Audio I've listened to the recording of my interview
19 just because there were a few typographical errors. So I
20 wanted to just kind of cross reference that stuff, and then I
21 think for audio that's it.

22 **Q. And then the video, what are the different video**
23 **documents you've reviewed?**

24 A. I reviewed Sergeant Hubacheck's body-worn camera; I
25 reviewed Lieutenant Walsh's body-worn camera; I reviewed Star

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1 9 footage; I have reviewed dash cam footage when Llamas began
2 to cross River Road. I don't if that was from C.S. Stevens
3 or Ayala, but it's -- it's from their dash cam, and then I've
4 reviewed -- that may be it.

5 Q. And I think you referenced policies.

6 Which policies did you review?

7 A. I reviewed our Lexipol policies, mainly our
8 use-of-force policy which is I think 300, Policy 300.

9 Q. Okay. And then you kind of made a general statement
10 at the end; all the evidence.

11 Was there other pieces of evidence you reviewed
12 other than what we've spoken about so far?

13 A. Nothing that I can think of that I haven't
14 mentioned. I think that's honestly about all I've seen.

15 Q. Okay. And then your interview, you thought it was
16 on April 16.

17 I think that's actually the correct date --

18 A. Yeah.

19 Q. -- of your interview. When was the actual shooting
20 incident, do you recall date?

21 A. I think it was April 14th, sir.

22 Q. Does that seem about right, about two days later you
23 gave your statement or interview?

24 A. That's seems correct.

25 Q. And where were you when you gave that interview?

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1 A. I was at a building off of Cactus in Moreno Valley.

2 It's our Riverside Sheriff's Association building,
3 and they have a room for interviews such as that.

4 Q. And who was present for the interview?

5 And if you don't remember all the names, that's
6 okay, but maybe your understanding of their position?

7 A. It was myself, attorney, and there were two district
8 attorneys. They may have been deputy district, but deputy
9 district attorneys or investigators. I don't know what their
10 exact title would be, but from the DA's Office.

11 Q. Were those the individuals asking you questions?

12 A. Correct. Yes, sir.

13 Q. And have you looked at a transcript of your
14 interview recently?

15 A. I have, sir, yes.

16 Q. And on the second page -- and I'm just quoting, and
17 if you need to see it, I can put it up for you.

18 I think they were asking you what you had looked at,
19 and you said, "I viewed the FLIR camera from Star 9 during
20 the incident."

21 A. Yes, sir. It's the footage --

22 Q. Do you know --

23 A. I'm sorry.

24 Q. No. I'm sorry. Go ahead.

25 A. It's the FLIR. It's a brand of the camera on the

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1 helicopter. It's just a thermal imaging camera that I viewed
2 that I spoke of a few minutes ago, the Star 9 footage.

3 Q. And when you say of the incident, what portions did
4 you review?

5 Would it be during the time frame before, during,
6 and after the shooting?

7 A. Excuse me. That's correct.

8 Not entirely, but yes, portions of it.

9 Q. What portions did you review, if you recall?

10 A. I have viewed -- so I've seen parts of the beginning
11 when they were in color, and then their color camera without
12 the FLIR, and then they have a button that can switch to
13 FLIR. I've seen parts of that during the search just to see
14 if they ever missed Llamas and the female.

15 They were hiding in the bushes that we didn't know
16 where they were. And then after the Star 9 leaves because
17 they left the scene, and then when they come back I viewed
18 from right before when they were in the color camera, their
19 normal camera they have, and then they switch it to FLIR, and
20 they pick up Llamas in the tree line after Rudy was shot.
21 That's the time that I extensively viewed the video from Star
22 9 until we started medical on Llamas which was immediately
23 after our interaction with him and he was shot.

24 Then when Star 9 left to look for the female, I
25 haven't viewed any of that portion. So about that window,

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1 and I don't have time stamps or a guess-estimate of how long
2 that took.

3 Q. But in the time frame, let's say the 20 or 30
4 seconds before the -- you fired your first volley of shots,
5 you did review that portion?

6 A. Yes, sir, that's correct.

7 Q. And you would have reviewed the portion that
8 included your first volley of shots?

9 A. Correct.

10 Q. And also your second volley of shots?

11 A. Correct, sir.

12 Q. And then for some time after your second volley?

13 A. Correct, sir.

14 Q. And would you have reviewed that before your initial
15 interview?

16 A. If I recall, it's been a little bit of time.

17 I'm pretty sure that that Star 9 footage was
18 available prior to my interview.

19 Q. Yes. That's why I was just quoting from your
20 interview when you said I viewed the FLIR camera from Star 9
21 during the incident.

22 Is that what you were referring to?

23 A. I see what you're saying. You mean -- I meant I
24 reviewed the footage of the incident prior to my interview,
25 not while I was on-scene during the incident.

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1 I understand I think what you're asking. So what I
2 meant is when I came into RSA that day, I viewed Star 9
3 footage, and then I saw a few other BWC, things like that,
4 and then I went into my interview.

5 I did not see Star 9 footage that day if that's what
6 you're asking.

7 Q. Okay. I understand that.

8 And then have you had a chance to recently look at
9 that footage again?

10 A. I have, sir.

11 Q. And did that include the same time frames we've been
12 talking about before the initial shots, the initial shots,
13 and then the second volley of shots?

14 A. Correct, sir.

15 MR. GALIPO: Gene, do you know, according to
16 Shannon, we have not received the uninterrupted FLIR video.

17 Do you know if you have that, if the officer has
18 looked at that?

19 MR. RAMIREZ: Yes. I thought we sent it to you, but
20 give me a second here. Let me check with my office to see if
21 they sent that over.

22 MR. GALIPO: Okay. And if not, if you can make
23 arraignments to send it during the depo, that would be
24 great.

25 MR. RAMIREZ: I will work on that right now.

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1 MR. GALIPO: Okay. Thank you so much, Gene.

2 BY MR. GALIPO:

3 Q. Okay. So I want to ask you a little bit about your
4 background.

5 I'm assuming you graduated high school?

6 A. Yes, sir.

7 Q. And what year did you do that in?

8 A. 1998, sir.

9 Q. And did you go to any college after high school?

10 A. I did. I went to Cameron University for a short
11 time.

12 Q. Did you study anything in particular?

13 A. Yes, sir. Business.

14 That's what everyone does if they don't know what
15 they're going to do.

16 Q. That's what I did. So I think that's probably true.

17 MR. RAMIREZ: Dale, I'm sorry, Dale. We sent it to
18 you on 12-6. It was part of the disclosures. December 6, we
19 would have sent the video.

20 Can you please check, perhaps, Shannon, and if you
21 don't have it there, I will have it sent over right away via
22 link.

23 MS. LEAP: Thank you. Yeah, the disclosures we
24 received looks like they're just documents, but I can double
25 check.

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1 MR. RAMIREZ: Please let me know, and then we'll
2 send it over right away.

3 MS. LEAP: Okay. Thank you.

4 MR. GALIPO: Thank you, Gene.

5 MR. RAMIREZ: Thank you. Sorry for interrupting.

6 MR. GALIPO: That's okay.

7 BY MR. GALIPO:

8 Q. And when did you go to the academy?

9 A. I started the academy in 2014, the year of.

10 Q. What type of work did you generally do before you
11 went to the academy?

12 A. I was a -- for 14 years from the year 2000 when I
13 withdrew from college until 2014 when I started the basic
14 academy, I was a professional athlete in the sport of a
15 freestyle motor cross which is dirt bikes kind of like the
16 tricks and stuff that you see on TV.

17 Q. Yes, I've seen that on TV. I even tried my hand in
18 it in, not successfully, I may add.

19 So we can have a whole conversation about that, but
20 I don't think it would be fair to everybody else in this
21 room.

22 So we'll talk about the case a little bit.

23 A. Yes, sir.

24 Q. So after the academy were you assigned initially to
25 the jails?

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1 A. I was. I was 34, and I had a little life
2 experience.

3 I was told we would go straight to patrol, and I
4 ended up in the jails where our past Sheriff not current
5 Sheriff started a hire freeze. So I was in the jails for
6 about four and a half years.

7 Q. Probably not the most exciting four and a half years
8 of your life; is that generally a fair statement?

9 A. That's fair. I made the best of it with a good
10 attitude, though.

11 Q. Okay. And then after you finished your time there
12 in the jail facility, were you then assigned to patrol?

13 A. Yes, sir. I was in Lake Elsinore Station for
14 approximately a year.

15 Q. And you had some field training related to patrol?

16 A. Correct.

17 Q. And after Lake Elsinore, where did you go?

18 A. I went to the Special Enforcement Bureau, Emergency
19 Services Team, part of the Special Enforcement Bureau.

20 Q. Did you start with them in like, what year?

21 A. I would say 2019, or was it -- no. I think it
22 was --

23 MR. RAMIREZ: Your best estimate.

24 BY MR. GALIPO:

25 Q. You can even give me a range of a few years if

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1 you're not sure.

2 A. It was whenever COVID started. I think it was 2020,
3 sir.

4 Q. And I understand from reviewing your statement that
5 you were involved at least in one other officer-involved
6 shooting before this case?

7 A. Correct, sir.

8 Q. When did that occur?

9 MR. RAMIREZ: Objection as to relevance, and may
10 violate his police personnel privileges and his right to
11 privacy. However, he can briefly answer the year, and we'll
12 take it from there just like the last time.

13 BY MR. GALIPO:

14 Q. You may answer.

15 A. There were two, sir, I was involved in.

16 It was 2021, June, I want to say and December of
17 2021.

18 Q. So two in 2021.

19 Was this one we're here to talk about the third
20 one?

21 A. Correct, sir.

22 Q. And from reading your statement, it appears that one
23 of them occurred actually like on the 215 Freeway?

24 A. Correct, sir.

25 Q. And I think you referenced in your statement that

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1 you fired three shots at that time?

2 A. Correct, sir.

3 Q. Was it -- what weapon did you fire those shots
4 from?

5 A. From my duty rifle and four rifle, sir.

6 Q. Was that a 556?

7 A. 223, sir.

8 Q. How about the rifle that you fired from in this
9 case?

10 A. Same rifle, sir.

11 Q. And the shooting on the 215 Freeway, was that the
12 June shooting or the December shooting?

13 A. June, sir.

14 Q. And the December shooting, did you fire from the
15 same weapon, also?

16 A. Correct, sir.

17 Q. How many shots in that case?

18 A. 20, sir.

19 Q. And in the case we're here to talk about, how many
20 shots total, if you know?

21 A. Seven, sir.

22 Q. Do you believe that you fired three rounds in the
23 first volley and four rounds in the second volley in this
24 case?

25 A. To my knowledge, that's correct, sir.

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1 Q. Do you have an estimate as to how much time passed
2 in between the two volleys in this case?

3 A. Approximately six seconds.

4 Q. Is that something you estimated or timed just from
5 reviewing it?

6 A. My estimate was six to ten, and when I viewed it I
7 confirmed it was about six to seven seconds, approximately.

8 Q. And when you reviewed it, could you also make out
9 the number of shots? Did it seem consistent with the three
10 in the first volley and the four in the second volley?

11 A. That's correct.

12 Q. Do you have an estimate of the distance you were
13 from the -- and I'm talking, again, back in this case, the
14 distance you were from the individual when you fired your
15 first volley of shots?

16 A. Yes, sir. Approximately 40 to 50 yards.

17 Q. So just doing some simple math, a 120 to 150 feet?

18 A. That's correct.

19 Q. And were you at about the same distance from the
20 individual when you fired the second volley of shots?

21 A. I was approximately five yards closer.

22 So I would estimate approximately 35 to 45 yards,
23 sir.

24 Q. For the second volley?

25 A. Correct.

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1 Q. Was there any litigation, if you know, with either
2 of your prior shootings?

3 MR. RAMIREZ: I'll object as to relevance. It may
4 invade his personnel privileges, but you may without waiving
5 those, you may answer.

6 THE WITNESS: No, sir. There were no -- you know
7 what, can you rephrase the question?

8 I want to make sure I'm saying the right yes or no.

9 BY MR. GALIPO:

10 Q. Okay. Of course.

11 Do you know if any law -- civil lawsuits were filed
12 related to your first two shootings?

13 A. No, sir. There were zero.

14 Q. To your knowledge, is this the first time that a
15 civil lawsuit has been filed related to one of your
16 shootings?

17 A. To my knowledge, yes, sir.

18 Q. The weapon that you were firing, was it in a
19 semiautomatic mode?

20 A. That's correct, sir.

21 Q. And would that weapon -- would you need to press the
22 trigger for each shot?

23 A. Correct, sir.

24 Q. Did you yourself give any commands to Mr. Llamas in
25 the ten seconds before the first volley?

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1 A. That first volley I did not.

2 I believe Lieutenant Walsh did.

3 Q. Did you give any verbal warning that you were going
4 to use deadly force?

5 A. I think for about three hours there were verbal
6 warnings from Star 9, our BearCat, our units, as well as K-9
7 announcements and surrender announcements.

8 So I was well aware that announcements had been
9 given for a long period of time, sir.

10 Q. I'm just wondering whether you, yourself, gave any
11 verbal warning that you were going to use deadly force.

12 A. No, sir. At that time I don't feel like it was
13 feasible due to circumstances and time of the situation.

14 Q. Where was Mr. Llamas when you first saw him?

15 A. He was approximately 40 yards to the west of my
16 location. I was parked facing eastbound on River Road, and I
17 would be facing the driveway that he walked out onto for --
18 when he walked out onto River Road, the driveway that he came
19 from.

20 Q. And what, if anything, did he appear to be doing
21 when you saw him at that point?

22 A. He appeared to be doing two things.

23 Number one, he had a firearm pointed to his head,
24 and number two, he was looking left and right, left and
25 right, which from my training and experience shows me that he

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1 was looking for an avenue of escape or other options outside
2 of surrendering.

3 Q. And could you see the firearm to his head from your
4 location?

5 A. Yes, sir, I could.

6 Q. And when you watched the FLIR video from the
7 airship, were you able to see this portion of the event that
8 you're referring to?

9 A. Yes, sir.

10 Q. And in that video were you able to see what appears
11 to be the outline of a gun to his head?

12 A. From my training and experience and knowledge, yes,
13 that's correct.

14 Q. And how long was Mr. Llamas in your view for at that
15 point?

16 A. Guessing, I would say --

17 MR. RAMIREZ: Don't guess.

18 THE WITNESS: Sorry. Estimating.

19 Estimating approximately less than two minutes,
20 probably more around one minute.

21 BY MR. GALIPO:

22 Q. Approximately a minute or two, but closer to a
23 minute?

24 A. Correct.

25 Q. Now, in your career as a law enforcement officer up

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1 to that time, had you seen suspects with guns in their hand
2 before?

3 A. I have a good amount of times. Yes, sir.

4 Q. Can you give me an estimate, even a range of how
5 many times you've seen a suspect with a gun in their hand
6 before?

7 A. Less than ten.

8 Q. Would you be comfortable somewhere between five and
9 ten?

10 A. Yes, sir.

11 Q. Were you trained that you can shoot someone merely
12 for seeing a gun in their hand, that fact alone?

13 A. No, sir. In fact, I've been in a situation on EST
14 where I had a subject who is wanted felon for a violent
15 felony crime against his significant other, and he was
16 driving his vehicle five miles an hour with a gun pointed to
17 his head, and I was on top of our armored vehicle.

18 I was the -- I was assigned to my lethal -- the
19 lethal option for that scenario, and he drove for about 30
20 seconds in front of us, 15 feet from me because we were right
21 next to him on the vehicle, and the gun was to his head the
22 whole time.

23 He never oriented the gun to me or anyone else, and
24 I did not fire or shoot in that situation. So yes. I'm
25 trained that and been in that situation in the real world.

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1 Q. How many times have you seen a gun in a suspect's
2 hand that was not oriented towards you?

3 A. Approximately three times.

4 Q. So during this approximate minute or so where you
5 initially saw Mr. Llamas, did he have the gun to his head the
6 entire time?

7 A. No, sir.

8 Q. Can you explain where the gun was during that time
9 frame based on your observations?

10 A. Dale, I apologize.

11 Are you talking about the totality of time or the
12 whole time from start to finish before we started medical or
13 Mr. Llamas?

14 Or are you talking about that one minute in on River
15 Road before he went up north up the driveway?

16 Q. Yes. I'm going to try to do this in order.

17 I'm going to give you a chance to explain
18 everything, but I was just talking about the first minute or
19 so that you saw him before he ran northbound.

20 A. The gun was at his head the whole time for that
21 minute. That's correct, yes, sir.

22 Q. Okay. And were you in the same position generally
23 for that whole minute or did you tactically reposition?

24 A. I was in the same position for that whole minute,
25 that's correct.

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1 Q. And if you know, were there any other officers
2 nearby?

3 When I say nearby, that you could actually see?

4 A. Lieutenant Walsh to my left and Sergeant Hubacheck,
5 Shawn Hubacheck was to my left as well.

6 Q. At some point did Mr. Llamas go out of your view?

7 A. Yes, sir.

8 Q. And was he essentially running northbound at that
9 point?

10 A. Correct.

11 Q. And when he started running northbound, did he go
12 out of your view?

13 A. For a brief moment in time, yes, he did.

14 Q. Can you tell me approximately for how long he went
15 out of your view?

16 A. From the time that it took Sergeant Hubacheck and I
17 to run to the mouth of that driveway. So less than ten
18 seconds.

19 Q. When he went out of your view, meaning, Mr. Llamas,
20 running north, you and the sergeant decided so run to the
21 mouth of the driveway; is that a fair statement?

22 A. That's correct.

23 Q. And you're approximating it took you about ten
24 seconds to get there?

25 A. I would guess less -- or sorry.

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1 I would estimate less than.

2 Q. Okay. I always get nervous when you say guess, so
3 estimate is good.

4 And how far of a distance did you have to run to get
5 to the mouth of the driveway?

6 A. It was approximately 35 to 40 yards.

7 Q. And is that when Mr. Llamas came into your view
8 again?

9 A. Yes, sir.

10 Q. Shortly after getting to the driveway?

11 A. Correct.

12 Q. Were you ware at some point that the lieutenant had
13 pulled his car up?

14 MR. RAMIREZ: Objection. Vague and ambiguous as to
15 time.

16 If you understand, you may respond.

17 BY MR. GALIPO:

18 Q. Yeah. Any point in time.

19 It could have been before the shooting or after the
20 shooting, but at some point did you become aware of that?

21 A. I was aware of that, yes.

22 Q. When did you first become aware of that?

23 A. I was behind my driver door for cover as well as
24 Lieutenant Walsh, and when Llamas went out of sight, he was
25 running towards an occupied dwelling, and I knew for a fact

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1 it was occupied, a third-party residents, two older men
2 around the porch when I got to the scene earlier in the day
3 at 4:45, 5:00.

4 So when Llamas took off running that way, I knew
5 that I needed to sacrifice my safety because Walsh,
6 Lieutenant Walsh said, "Hey, let's pull our --" in less
7 words, he said, "I'm going to pull my truck up for cover,"
8 and Sergeant Hubacheck and I didn't feel like we had the
9 ability to use cover at that time. We needed to sacrifice
10 our safety and run to the driveway to get eyes back on Llamas
11 or reassess what his actions were at the time.

12 So yes. I was aware that vehicle was moving up for
13 cover, but I chose to sacrifice that safety and move up to
14 the mouth of the driveway.

15 Q. Let me just follow up on a few things that you said.

16 The -- I think you referenced two men on a porch?

17 A. That's correct, sir.

18 Q. It sounds like you saw them earlier in the day?

19 A. I did see them earlier in the day, and I did point
20 that out to the Lieutenant Walsh that the blue house at that
21 driveway was occupied. That's where I first arrived on-scene
22 to start getting the tactical plan. And then I arrived where
23 Llamas came out of the bushes prior to Sergeant Hubacheck or
24 Lieutenant Walsh, and according to the radio traffic Star 9
25 put out, Llamas wasn't close to the road yet, but he was

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1 coming towards River Road. So had a brief moment of time to
2 do a 360, get some intel and make a tactical plan of my
3 surroundings.

4 During that time I saw two shadows under a carport
5 from my location which is where that house was where I've
6 seen two older gentlemen earlier in the day knowing that that
7 was an occupied dwelling. So I knew that they were still at
8 the house if that makes sense.

9 Q. I'm just trying to figure out how much earlier in
10 the day did you see them there.

11 A. I saw them around 1700. So whenever I had gone on
12 scene, I'm guessing -- sorry -- estimating 1700 hours.

13 I saw them in broad daylight two elderly white male
14 adults on a porch of that property, and then in the minute
15 that you're saying I saw Llamas that we're estimating I saw
16 Llamas coming out on the River Road, about ten seconds or 20
17 seconds before Llamas broke the tree line to get on the River
18 Road, I saw the shadows of two adult looking individuals at
19 that same property, the blue house that I speak of, that
20 driveway where Llamas was shot, there were two individuals
21 under the carport kind of doing the lookie-loo thing that I
22 could see their shadows under the carport near the vehicles
23 of that house.

24 So 30 seconds before the shooting with Llamas, I was
25 aware that there where were still humans, not sure if they

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1 were the same gentlemen or not, but adult humans at that
2 property.

3 Q. What time was it about when you saw Mr. Llamas for
4 that first approximate minute?

5 A. I honestly have no idea what the time stamp on that
6 would be, sir.

7 Q. So if you first saw the two men at 5 o'clock, I'm
8 just trying to figure out, was it an hour later, two hours
9 later that you see Llamas?

10 I'm just trying to get some estimate.

11 A. Approximately two hours. And my original 5 o'clock,
12 the time stamp could be off on that. When I first landed
13 on-scene it's available on evidence under the CAD call,
14 whatever time that is, that's when I saw the two gentlemen.

15 Outside of that, I would say two to three hours
16 transpired between when I saw them originally and when I
17 located Llamas with the gun to his head.

18 Q. Did you take any steps to try to evacuate those
19 gentlemen from their home?

20 A. The terrain did not allow or dictate me to do that.

21 Q. Did -- sorry.

22 A. No. That's it. Yes, sir.

23 Q. Did you talk about that with everyone, anybody, the
24 possibility of whether we should evacuate these people?

25 A. We did not.

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1 Q. And then the two shadows that you saw, did you share
2 that with anyone when you saw them?

3 A. The second time I saw them, no.

4 The first time I saw them, yes. I shared that with
5 Lieutenant Walsh who helped make the tactical plan for the
6 day.

7 Q. Okay. He was the supervisor on-scene?

8 A. Correct, sir.

9 Q. So then the other part of what you said, you heard
10 Lieutenant Walsh say that he was going to pull his vehicle
11 forward for cover?

12 A. Yes.

13 Q. And did you actually see or hear the vehicle
14 moving?

15 A. Yes. I was standing next to the door when he
16 started to drive forward.

17 Q. So was it your impression that as you and sergeant
18 was running to the mouth of the driveway, the Lieutenant's
19 vehicle was close behind you?

20 A. I'm not sure of the exact location. I knew he was
21 heading to where I ran to, but I wasn't sure of the exact
22 location of his unit or his vehicle.

23 Q. Did you ever look to see and where it was just to
24 see if he had the option to take cover before moving
25 forward?

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1 A. Time did not allow me to do that. So no.

2 Q. At some point did you see the vehicle parked in the
3 mouth of the driveway?

4 A. I did not.

5 Q. Did you ever see where the vehicle came to stop at
6 any time before or after the shooting?

7 A. In the -- on BWC footage, yes, but not in real life,
8 no.

9 Q. Based on the footage that you saw after the fact,
10 where did that vehicle end up?

11 A. Approximately 10 yards behind where Sergeant
12 Hubacheck, Lieutenant Walsh, and myself ended up on foot
13 during the initial engagement with Llamas.

14 Q. So at some point Mr. Llamas comes back into your
15 view?

16 A. Correct.

17 Q. And are you in the driveway at that point?

18 A. Correct.

19 Q. Is there a street at the end of the driveway?

20 A. There is not. Maybe --

21 MR. RAMIREZ: I'm going to object.

22 Vague and ambiguous to what end, but if you
23 understand, you may respond.

24 THE WITNESS: I don't understand. If you can
25 explain what end of the driveway you speak of, north or the

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1 south, sir.

2 BY MR. GALIPO:

3 Q. I will try. It wasn't the best question in the
4 world.

5 But what -- when you and the sergeant were running
6 towards the mouth of the driveway, what surface were you
7 running on?

8 A. River Road, eastbound.

9 Q. Okay. And then does the driveway merge into River
10 Road?

11 A. If you were headed south on the driveway, that's
12 correct.

13 Q. Okay. So did you enter the driveway from River
14 Road?

15 A. That's correct.

16 Q. And then does the driveway go south to north?

17 A. That's correct.

18 Q. And at some point did you stop at some location
19 initially in the driveway?

20 A. Approximately five yards into the -- five to ten
21 yards into the mouth of the driveway when I visually
22 reassessed Llamas, yes, that's correct.

23 Q. Would that be five to ten yards north of the bottom
24 of the driveway where River Road is?

25 A. That's correct.

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1 Q. And so would you have generally been looking north
2 when you, again, acquired a visual on Mr. Llamas?

3 A. Yes, sir.

4 Q. And do you recall when you initially saw Mr. Llamas
5 where the sergeant was in relation to you?

6 A. He was off to my left approximately five feet.

7 Q. Did you have an understanding or appreciation where
8 the lieutenant was?

9 A. I knew he was driving his vehicle up, and then at
10 some point he was off to my right shoulder.

11 Q. Would it be fair to say that all three of you at
12 some point were near each other on the driveway?

13 A. Yes, sir.

14 Q. And then when you reacquired a visual on Mr. Llamas,
15 would he have been moving to your right to left?

16 A. That would be east to west. He was running south to
17 north, and then he started to veer to the west.

18 So northwest if that makes sense.

19 Q. Let me break it down a little bit.

20 I'm trying to -- I'm remembering what the sergeant
21 said on Wednesday, and I don't want to get confused. I want
22 to get your recollection independently of the sergeant's.

23 When you regained a visual on Mr. Llamas, was he
24 stationary, walking, running, or any words you want to use.

25 A. He was sprinting.

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1 Q. And were you looking generally north at that time?

2 A. That's correct.

3 Q. And which direction was Mr. Llamas sprinting when
4 you regained a visual on him?

5 A. South to north, but he was drifting to the west.

6 Q. Were you initially looking at his back?

7 A. Initially, I saw his back, and then I saw him turn
8 towards me. So I could see left profile of his face, and
9 then he turned again with firearm not at his head anymore,
10 and I could see full left profile of his body and the side of
11 the firearm orienting towards myself, Sergeant Hubacheck,
12 Lieutenant Walsh, and all the deputies that were two to three
13 hundred yards behind us working on K-9 Rudy who had lethal
14 wound. So they were all behind us where Llamas was first
15 initially spotted.

16 Q. Okay. Let me try to break that down a little bit.

17 A. Yes, sir.

18 Q. When you initially saw Mr. Llamas running from south
19 to north when you reacquired him in the driveway, how far was
20 he from you, approximately?

21 A. 25 yards, sir, approximately.

22 Q. How many? I'm sorry. You broke up.

23 A. 25, approximately.

24 Q. 25, thank you. And when he was running from south
25 to north, was he increasing the distance for some time?

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1 A. He was sprinting. So distance from my stationary
2 spot or I took a few walking steps to stationary, from that
3 short moment in time, yes, he was increasing the distance
4 because he was sprinting. I had taken myself and Sergeant
5 Hubacheck took a few walking steps and stopped, and he was
6 continuing to sprint.

7 Q. And then how far do you think he got from you to
8 when he did that first looking towards you that you
9 discussed?

10 A. The first look was approximately 25 yards, about 25
11 to 30 yards.

12 Q. Okay. And then how about the -- and the first look
13 when you reviewed the footage from the --

14 A. So that's not from reviewing the footage.
15 That's from me seeing what I can see, so --

16 Q. I understand --

17 On my firearm I had a three time magnifier that
18 Sergeant Hubacheck and Lieutenant Walsh did not have. So I
19 could see three times what the normal human eye can see.

20 So my magnification was three times zoomed compared
21 to Sergeant Hubacheck and Lieutenant Walsh. So I could see
22 plain as day in realtime what Llamas was doing. I can see
23 the expressions on his face because I had that magnification
24 that they did not have if that's make sense.

25 So that's not from reviewing the camera.

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1 That's from my memory.

2 Q. I understand that. I was trying to ask you a
3 different question.

4 A. I'm sorry. Forgive me.

5 Q. That's okay. I know you're anxious to get your
6 version out. I understand --

7 A. Oh, no. It's -- I thought -- I just misunderstood
8 your question. My apologies.

9 Q. That's okay. But thank you for that clarification.
10 And I did review your statement, so I'm aware of
11 some of what you just said.

12 A. Okay.

13 Q. I was wondering after the fact when you reviewed the
14 video footage from the helicopter, were you able in the video
15 footage, separate from what you saw on-scene, able to see the
16 time frame when he looked towards you the first time?

17 A. Yes, yes.

18 Q. Okay. And then you're saying he looked in your
19 direction a second time?

20 A. That's correct, sir.

21 Q. And what would you estimate his distance to be from
22 you at that point?

23 A. The second time when the gun was oriented towards us
24 was probably five seconds, five to six seconds.

25 Q. The five to six seconds time wise between the first

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1 look and the second?

2 A. You know what, counting off in my head, I would
3 estimate probably between two and five seconds, but closer to
4 two to three seconds, and that's a complete estimate.

5 Q. And how about the distance separate from the time?

6 It started out at 25 yards at the first look.

7 What would you estimate the distance at the second
8 look?

9 A. 40 to 50 yards, sir.

10 Q. So there is a portion of your statement that I'm
11 sure you've reviewed recently, and if you want I can show it
12 to you.

13 MR. GALIPO: Maybe, Shannon, can we put the bottom
14 of Page 16 up for the deputy so he can see this portion of
15 his statement.

16 BY MR. GALIPO:

17 Q. Before we do that, where was the -- this house that
18 you referred to earlier where you saw the gentlemen earlier
19 and the shadows, where was that in relation to Mr. Llamas
20 just before the first volley of shots occur?

21 A. Before -- before the first volley of shots, it was
22 like at the first volley, or before the first volley?

23 Q. Let's say at the first volley.

24 A. Okay. The house was approximately 15 yards directly
25 east. So the driveway comes up, has a circle drive, and then

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1 on the east side of that circle kind of roundabout, it's all
2 DG pack like the DG gravel. On the -- on the east side or
3 looking north the left side of that driveway is the blue
4 house set off at a 45-degree angle.

5 Q. Are you still looking north from your position?

6 A. Correct.

7 Q. And at just before the second volley, is Mr. Llamas
8 running still, or is he walking, or doing something else?

9 A. He is -- before the second volley --

10 Q. No. Before the -- I misspoke. I'm sorry.

11 Immediately before the first volley when he gained
12 this distance to 40 or 50 yards, is he still sprinting, or
13 does he slow down at some point?

14 A. He slows down enough that I could see him turning
15 his body about 90 degrees. He is starting to turn to 180,
16 and the gun now broke off of his head meaning that he removed
17 the firearm from his head, and it's near his left arm or
18 shoulder, and it's orienting in our direction.

19 So it's orients towards house, passed the house, and
20 it starts to come in myself, Sergeant Hubacheck, and
21 Lieutenant Walsh's direction, but it's not at his head
22 anymore. It's now starting to point towards us so much so
23 that with my three time magnifier, I could start to see the
24 opening of the barrel of the firearm because there's a silver
25 firearm. So the barrel looks black if that makes sense.

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1 Q. So --

2 A. You can see the barrel stood out on the -- on the
3 pistol.

4 Q. So right before he made that movement, were you
5 looking for at his back?

6 A. Before he started to spin towards myself, Sergeant
7 Hubacheck, and Lieutenant Walsh, that's correct. He was
8 running away. He had given us a 90-degree turn once, give or
9 take, 90 degrees estimation, and then he continued another
10 20-ish yards estimating, and then he started do that same
11 orientation, but the gun was at his -- at his head this time.
12 It had come off his head and was more chest level orienting
13 towards us.

14 Q. But right before he made that second movement that
15 you're describing, he would have been generally facing
16 northbound?

17 A. He was running northbound favoring to the west.

18 Q. Okay.

19 A. Drifting to the west.

20 Q. Okay. And then where -- where would the house be in
21 relation to --

22 A. Directly east. If he were to cut -- so directly
23 east -- sorry, forgive me -- directly west of his location.

24 Q. Okay. That's where I got confused --

25 A. I think -- I think misspoke earlier and said east.

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1 So 20 minutes later -- I apologize.

2 The house was west of where Llamas.

3 Q. Okay. That helps me because when you said east,
4 that confused me a little bit.

5 But it would be west; is that correct?

6 A. Yes, sir, Dale. My apologies.

7 Q. That's okay. It doesn't take much for me to get
8 confused, so I appreciate that --

9 MR. RAMIREZ: -- started. Go ahead.

10 BY MR. GALIPO:

11 Q. So as he is moving north, the house would be to his
12 west which would be to his left.

13 Do I have that generally correct?

14 A. That's correct, sir.

15 Q. And you and the other officers would have been to
16 the south?

17 A. Correct, sir.

18 Q. So I just want to show you one portion of your
19 statement, and then we'll take our first break.

20 MR. GALIPO: Can we put the bottom of Page 16 up,
21 please.

22 BY MR. GALIPO:

23 Q. Just take a moment. First of all, can you see that
24 on your screen, and do you need it to be enlarged a little
25 bit --

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1 A. It's great, sir. I can see it.

2 Q. Okay. I want you just -- I was going to ask you
3 about the last paragraph, but to give you a moment to read
4 the paragraph before and just kind of get a feel of where
5 you're at at your statement.

6 And just take a moment, and then let me know when
7 you've had a chance to look at that.

8 A. Okay, sir.

9 Q. Okay. Have you had a chance to look at that?

10 A. Yes.

11 Q. And you had previously reviewed this portion in
12 preparation for the deposition?

13 A. Yes, sir.

14 Q. Okay. I just want to ask you about a couple parts
15 of it, and then we'll take our first break.

16 Do you see how there's line numbers on the left-hand
17 side?

18 A. Yes.

19 Q. Looking at Line 37, so this is in the last paragraph
20 at the bottom, Line 37 is where you start explaining when he
21 started to orient his body.

22 Do you see that?

23 A. Uh-huh.

24 MR. RAMIREZ: Yes?

25 THE WITNESS: Yes. Sorry.

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1 BY MR. GALIPO:

2 Q. That a yes?

3 A. That was a yes. Sorry.

4 Q. That's okay.

5 A. -- talking.

6 Q. And then you say as he spun, the gun went towards
7 the house.

8 Do you see that?

9 A. I do see that.

10 Q. And did you see the gun go towards the house at some
11 point?

12 A. Well, it would have had to because Line 40 when he
13 continued to spin, it like I don't know, in our world
14 flagging means the gun like flagged by something, like it put
15 something in danger of that gun if it had gone off, not
16 meaning that he was going to shoot at the house, just in
17 general.

18 So as he did that, the house was flagged, and then
19 he continued pass the house towards us, and I think that's
20 where Line 39 and 40 kind of pick up. So yes, I see where
21 you're saying.

22 Q. Okay. I'm still on Line -- so the gun went towards
23 the house. You then say he is looking at the house again
24 where the gentlemen are, and now he is starting to turn
25 towards myself and my two partners Lieutenant Walsh and

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1 Sergeant Hubacheck, and that's when I engaged approximately
2 three rounds.

3 Do you see that?

4 A. I do, yes, sir.

5 Q. And the three rounds you're talking about is the
6 first volley of shots?

7 A. Correct, sir.

8 Q. In this portion of your statement, do you ever say
9 that the gun was coming in your direction specifically?

10 A. I guess in theory, I don't, but that's what I
11 meant.

12 Q. Okay. Did you ever say at this portion of you're
13 statement that you could see the barrel of the gun?

14 A. Somewhere later in the report, to my knowledge.

15 Q. I'm just --

16 A. Right here, no, it's not. I'm sorry.

17 No, it's not, sir.

18 Q. And when you reviewed the FLIR video from the
19 airship, do you -- can you see in looking at that the gun
20 pointed towards the house just before the first volley of
21 shots?

22 A. I don't know if you reviewed the FLIR footage, but
23 at that point Star 9 zooms out pretty far. So to me it does
24 look like the gun is orienting from the house towards my
25 position, but like I said, the FLIR zoomed out about ten or

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1 20 power. So it's very hard to make that out at that moment.

2 You can see his body orienting in our way, but it's
3 so far zoomed out that it's hard to see where the gun is
4 exactly oriented from Star 9's angle and the FLIR footage.

5 Q. And then my follow-up question is whether you could
6 see the gun coming in your direction in the FLIR footage
7 before the first volley, before the first volley of shots.

8 A. From the television I viewed the Star 9 footage on,
9 it's hard to tell exactly where the gun is, but you can see
10 it starting to orient towards my location.

11 Q. Based on your training and experience as of that
12 time, did you think it was appropriate to shoot Mr. Llamas
13 when you first saw him when he had the gun to his head?

14 A. I saw him for a minute and a half and never shot,
15 sir. So the answer to that is no.

16 Q. And did you think it was appropriate to shoot him
17 when he started running away initially?

18 A. Just for running away at that time, no.

19 Q. And then when you saw him initially in the driveway
20 moving north initially before the second time he looked in
21 your direction and turned, did you think it was appropriate
22 to shoot him?

23 A. He was a fleeing felon for a multiple violent crimes
24 with multiple victims including sexual assault on a minor
25 which was his family member with violence and force as well

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1 as armed robbery where he pistol-whipped the suspect who
2 needed to go to the hospital for great bodily injury.

3 So I knew he was a fleeing felon. He had the
4 ability, the intent, and the opportunity to do harm to
5 others. So at that moment in time, it was something that
6 crossed my head telling myself, man, I hope I don't have to
7 shoot at this guy if he doesn't orient his gun in my
8 direction which in my report it states that.

9 And then it says approximately two seconds later
10 from that thought crossing my brain, his gun started to
11 orient in my direction.

12 MR. GALIPO: Okay. We can take that down, Shannon.

13 BY MR. GALIPO:

14 Q. So are you saying that you were considering shooting
15 him even before the gun started orienting in your
16 direction?

17 A. I wouldn't use the word considering.

18 In what we do, we always have a tactical checklist
19 of how we need to solve a problem with the least amount of
20 force necessary in order to keep myself, my partners, and
21 other civilians safe from harm or death or serious bodily
22 injury.

23 So at that moment it was something -- a checklist
24 that had gone through my brain, what if this happens, what if
25 this happens. As a tactical operator, we're constantly

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1 thinking what if this happens, what if that happens.

2 At the moment it's something that went through my
3 mind. It's in my report, that's correct. We train that all
4 the time. Our bread and butter is hostage rescue, so we do
5 train that. But at the moment in time with Llamas, that
6 wasn't the case Even though that thought had crossed through
7 my head, he started to turn his body orienting towards me
8 with a firearm and towards my partners as well as the
9 partners 300 yards behind us that were still working on Rudy
10 after Rudy was shot.

11 **Q. So you're saying that you -- when you had this**
12 **checklist in your head, did you check it yes or no in regards**
13 **to --**

14 **A.** No, that's not how -- I'm sorry to interrupt you,
15 Dale. That's not how it works. It's not a yes or no thing.
16 It -- it operates in theory that that could happen, and if it
17 did happen, that that would be a really hard incident for us
18 to solve. So as I said, it's just like -- it's like the
19 stock market spins across the -- it's like a bar where all
20 the Dow Jones spins across the market for the day.

21 It's just something that our brains are trained to
22 do and try to see how this situations is going to unfold if
23 that makes sense.

24 **Q. Let me just ask -- it does.**

25 **Let me just ask you this last question, and then**

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1 we'll take our break.

2 MR. GALIPO: I'm sorry it went so long, Jinna.

3 BY MR. GALIPO:

4 Q. If he had not turned towards you or oriented the gun
5 towards your partners, would you have fired?

6 MR. RAMIREZ: Calls for speculation; lacks
7 foundation; assumes facts not in evidence.

8 But you can answer if you know.

9 THE WITNESS: From my training and experience in my
10 incidents, Dale, I do not think I would have fired. I think
11 would have sprinted towards him putting my safety even
12 further trying to close the gap from him getting to that
13 house 15 yards away if that was the path he chose which was
14 the last path there was, I would have sprinted and put myself
15 in even more jeopardy and closed the gap trying to see if we
16 can get him to surrender peacefully without using force.

17 Q. Okay. All right. Thank you for that.

18 MR. GALIPO: Is this a good time for a ten-minute
19 break?

20 I can take longer, Jinna, if you want.

21 COURT REPORTER: No, that's okay.

22 MR. GALIPO: Okay. So how about ten minutes.

23 Does that sound good, Gene?

24 MR. RAMIREZ: That sounds good.

25 And then you should have the Star 9 video.

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1 MR. GALIPO: Okay. Thank you so much, Gene.

2 MR. RAMIREZ: Thank you.

3 THE VIDEOGRAPHER: And off the record at 2:44 p.m.

4 (Recess taken.)

5 THE VIDEOGRAPHER: And going back on the record at
6 2:59 p.m.

7 BY MR. GALIPO:

8 Q. Okay. So let's go back on the record.

9 When you fired your first volley of shots, was
10 Mr. Llamas still moving north?

11 A. His travel pattern was the same as I mentioned
12 earlier. North -- south to north, drifting to the west.

13 Q. And would you say he was still running during the
14 first volley?

15 A. I don't recall if he was -- he had gone between like
16 a -- I guess you would call it a trot, a sprint and a trot.
17 I don't remember at that time I think he had slowed
18 down a pinch to turn -- well, when he started to orient
19 towards myself, but I don't recall a 100 percent.

20 Q. So he would have either been running or trotting,
21 but still moving in the direction you indicated?

22 A. Correct. He hadn't stopped and surrendered at the
23 point.

24 Q. Did anyone as far as the tactical plan discuss that
25 if Mr. Llamas is seen running towards one of those houses,

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1 that he should be shot?

2 A. No.

3 Q. Did anyone tell you that at any time that if he runs
4 towards that house, we should shoot him?

5 A. No.

6 Q. Was that your mind frame at any time?

7 A. Never.

8 Q. And in terms of your -- the magnifier or the
9 magnification that you talked about earlier, was that
10 something that is customary with your weapon or something you
11 added?

12 A. We all have that capability. It's removable.
13 Some guys don't like it, some guys do. It works
14 great out in the open. It's not so good if you're clearing a
15 house. Some guys keep theirs off and put it on if they think
16 they need, and then some guys will keep it on and then take
17 it off if they don't want it. I choose the latter.

18 Q. And did you mention to anyone on-scene that you were
19 using your magnification?

20 A. That's not something we would ever mention with each
21 other. It's just --

22 Q. How about at -- I'm sorry. Go ahead.

23 A. Sorry. I was far back.

24 That's not something we would ever talk about
25 on-scene.

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1 Q. And was that discussed at all before or after the
2 shooting?

3 A. No. That's not how that works. It's not -- it's
4 not required for us to have on a rifle. It's nothing we
5 would ever speak of. It's just an option if we want to have
6 it.

7 Q. And were you stationary when you fired your shots?

8 A. I had just stopped a trot or a walk and placed my
9 feet in a stationary position, that's correct.

10 Q. And how long do you believe you were in a stationary
11 position before you fired your first volley?

12 A. Long enough to build a shooting platform and shoot.
13 That's why I stopped because he was orienting his
14 body towards us.

15 Q. So maybe about a second?

16 A. I would guess probably a second -- sorry.
17 I would estimate probably a second.

18 Q. Okay. And did you have the weapon in two hands?

19 A. I did.

20 Q. Were you in some type of a shooting position?

21 A. That's what I created when I stopped.

22 Q. And can you describe the shooting position you were
23 in, please.

24 A. Sure. Feet are shoulder width apart, left foot
25 slightly forward than my right being that I'm right-handed,

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1 and standing facing northbound or north to the north.

2 Q. Were you using your sights?

3 A. I was.

4 Q. And where were you aiming on Mr. Llamas' body from
5 your perspective during the first volley?

6 A. His torso.

7 Q. When you say his torso, you mean between his neck
8 and waist essentially?

9 A. Correct.

10 Q. And what part of his torso was exposed to you during
11 the first volley?

12 A. It would have been his left shoulder, left ribs, his
13 glutes were at an angle, his back was at an angle, he was
14 starting to orient his body this way. So it would have been
15 really between the time we engaged and the time we stopped on
16 the initial volley it would have been left torso, back
17 glutes, left shoulder.

18 Q. Was his buttocks exposed to you during the first
19 volley of shots?

20 A. At an angle, yes, it was.

21 Q. Did you observe any movement as you described his
22 rotation during the shots, or was that more observed before
23 the first shot?

24 A. I was focused on his -- he was rotating because I
25 could see the firearm through my magnification coming towards

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1 me. So he was spinning. He continued to spin after we
2 engaged that first volley, but he was in the process of
3 spinning towards us at that time.

4 So I could still see his glutes from an angle, and I
5 say that just because your back is a straight line, right?

6 But your glutes -- like I could see like that part
7 of his body, and I could also see on this side where his
8 firearm was, his hand, his firearm, and this side of his
9 face.

10 **Q. And then did you get the impression that he was**
11 **struck by one or more of the shots from the first volley?**

12 A. Correct.

13 **Q. And what gave you that impression based on what you**
14 **observed?**

15 A. The way that he fell to the ground.

16 **Q. And how did he fall to the ground?**

17 A. He fell to the ground like he was still ambulatory,
18 still had muscle movement, or brain -- brain was still
19 working, heart was still working, he still was able to kind
20 of like fall, but still bring himself down to the ground and
21 then start to crawl and orient his firearm at us again.

22 So yes, he still had muscle movement is I guess what
23 I'm trying to explain.

24 **Q. I get that part. But I'm assuming one of the**
25 **reasons you thought one or more of the shots struck him is**

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1 because he immediately went down to the ground?

2 A. He fell to the ground, yes.

3 Q. And you said about six or seven seconds expired

4 between the first volley and the second volley?

5 A. Correct.

6 Q. And you moved up, I think, you said about five

7 yards?

8 A. Approximately.

9 Q. So you estimated you were 35 to 45 yards from him

10 for the second volley, approximately?

11 A. Approximately.

12 Q. And what part of his body were you aiming at for the

13 second volley of shots?

14 A. His head.

15 Q. And what part of his head was oriented towards you

16 at that time?

17 Would it be the front, the side, the back, what

18 part?

19 A. His face, his eyes, mouth, nose, his whole front

20 side of his face.

21 Q. So you were attempting to strike him in the face

22 area essentially for the second volley?

23 A. Correct.

24 Q. And you said you were able to see a magnification to

25 some extent of his face before you fired the second volley?

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1 MR. RAMIREZ: That's vague and ambiguous.

2 But if you understand, you may respond.

3 THE WITNESS: Can you rephrase the question,
4 please.

5 BY MR. GALIPO:

6 Q. Sure. I'm assuming -- are you still using your
7 magnification when he's on the ground after the first
8 volley --

9 A. That's correct, that's correct.

10 Q. And with the magnification when he was on the ground
11 before you fired your second volley, so I'm taking you a few
12 seconds before that, were you able to see his face?

13 A. Correct.

14 Q. And was his face magnified?

15 A. I was looking through my magnifier, that's
16 correct.

17 Q. Did you see any blood on his face before you fired
18 your second volley?

19 A. I did not.

20 Q. Did you see any blood on his face after you fired
21 the second volley?

22 A. No.

23 Q. Did you ever approach him?

24 A. Sorry. Between what time period?

25 Are you talking about through my three time

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1 magnification, or towards the end of the incident with
2 Llamas?

3 Q. Well, let's break it down.

4 I'm assuming you're going to say that through your
5 magnification, you didn't see blood on his face after, but
6 when you approached him, you did?

7 A. When we started performing medical on Llamas, we
8 located some blood by his -- near his nostril, that's
9 correct.

10 Q. And did you have the impression that one of your
11 shots from the second volley may have struck him there?

12 MR. RAMIREZ: May call for speculation.

13 But you may respond.

14 THE WITNESS: That would be my speculation.

15 I would assume that.

16 BY MR. GALIPO:

17 Q. Right. Because that's where you were aiming
18 essentially?

19 A. I would assume that because when I aimed at him with
20 my three-time magnifier, he was pointing the gun at me and my
21 partners trying to from my experience trying to actively
22 track us down with the sights as well as crawling now towards
23 the house to the east.

24 So yes, after on my second volley he still kept the
25 gun pointed towards us, I can still see his eyes open, but he

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1 was no longer moving at that point, whereas right prior to my
2 second volley, he was actively aiming at myself and my
3 partners and crawling towards the house.

4 Whether -- whatever his intention was, I don't
5 know.

6 **Q. But when you fired your second volley of shots when**
7 **you were aiming at his face, did you observe something that**
8 **led you to believe he may have been struck in the second**
9 **volley?**

10 A. Yes. Because he stopped moving. He stayed
11 oriented -- the gun was still oriented right at me. His eyes
12 were oriented at me, but there was no more movement from him.
13 He stopped crawling, but I was still under the assumption he
14 was still alive if that's what you're asking, but he stopped
15 moving which is why I stopped shooting.

16 **Q. And then what position did he end up in, if you**
17 **know, on the ground after the second volley?**

18 A. And let me rephrase that last. He -- I didn't stop
19 shooting because he stopped moving. I stopped shooting
20 because he stopped actively trying to track us with his
21 pistol. That's what stopped moving was his pistol aiming and
22 tracking our position if that makes sense.

23 And then if you can rephrase that last question,
24 Dale. I apologize.

25 **Q. Sure. No problem.**

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1 What position did he end up in on the ground after
2 the second volley of shots?

3 A. He was laying on his right side, chest was facing
4 us, quadriceps facing us. I could see his feet to his head
5 and his face was still facing us.

6 Q. His feet would have generally been in what
7 direction?

8 A. His toes would have been pointed to the south as
9 well as his face.

10 Q. And how about his head, generally in what
11 direction?

12 A. Head is facing south on the west side of his body.
13 His head's on the west side, feet are on the east
14 side.

15 Q. And you said that you -- did you observe him
16 crawling in between the first volley and the second volley?

17 A. I did.

18 Q. And for how long did you observe him crawling before
19 the second volley?

20 A. It would be between that six seconds that I
21 re-engaged, somewhere between there, whenever I had my sights
22 on him. My sights, and by sights, I mean my magnification
23 that I could see better.

24 Q. And how far do you think he crawled based on your
25 observations before you fired the second volley?

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1 A. A few feet.

2 Q. And in what direction?

3 A. To the west.

4 Q. And just so we're clear, a little while ago, you
5 said the house to the east, but I think you meant the west.

6 A. That's correct. We clarified that.

7 You're right.

8 Q. Okay. And to your knowledge, are you the only one
9 who fired during the second volley?

10 A. Yes, sir.

11 Q. Do you have an understanding as to how many shots
12 the sergeant fired altogether?

13 A. I think just from charting and looking at documents,
14 it was one.

15 Q. And is it your understanding that was some time
16 during the first group of shots?

17 A. That's correct.

18 Q. You mentioned earlier that you had reviewed autopsy
19 report fairly carefully?

20 A. I reviewed it. I don't know how careful or detailed
21 you want to go, but yes, I have reviewed the autopsy
22 report.

23 Q. I don't want to go too detailed, but did you look to
24 see where he was shot?

25 A. I did, yes, sir.

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1 Q. And what is your understanding from reviewing the
2 report?

3 A. He was shot in the right upper glute.

4 Bullet traveled from the left to the right which
5 would correlate that initial volley From Sergeant Hubacheck
6 and myself as he's spinning towards us, you can still see the
7 top of his glutes, the left side of his shoulder and the rib
8 cage on the left and his left side of his head and eyes as
9 the gun is orienting towards us and aiming for the torso that
10 would make complete sense that the 223 round entered his
11 buttocks from the left traveling to the right side of his
12 right buttocks, and then the second shot looked like it
13 entered the left nostril and went back and into his brain at
14 some point.

15 Q. So your understanding he was struck by two shots?

16 A. That's correct.

17 Q. And your belief based on being there at the time and
18 reviewing the autopsy report is the shots to the buttocks
19 would have happened in the first volley?

20 A. That's my assumption.

21 Q. Based on what you already explained?

22 A. His buttocks was not facing my direction at the time
23 of the second volley. So my assumption is bullets can do
24 weird things, but my assumption is he was struck in the right
25 buttocks from left to right on the initial volley.

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1 Q. And then the second volley would be the shot to the
2 face, and I think you've already told us that's where you
3 were aiming?

4 A. Yes, sir.

5 Q. And do you recall whether it was the left buttocks
6 or the right buttocks that was struck?

7 A. It was the right side, left side of the right
8 buttocks, and the bullet traveled from the left to the right
9 of the buttocks. So it entered from the left side of the
10 right buttocks upper buttocks if that's makes sense.

11 And I'm no doctor or coroner, but that's what the
12 report states.

13 Q. Okay. And do you recall whether that bullet exited
14 the body or stayed in the body?

15 A. I did extensive medical blood sweeps on Llamas, and
16 I never saw any exit wounds from that entry wound.

17 Q. Do you recall -- you might not know this, but do you
18 know whether the buttock shot was fatal or not?

19 A. No idea, sir. I would assume the --

20 MR. RAMIREZ: You've already answered.

21 BY MR. GALIPO:

22 Q. Yeah. If you don't know, it's okay.

23 Sometimes the report indicate that, and that's all
24 right. I realize that's not your specific area of expertise.

25 You mentioned that there was a left-to-right

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1 trajectory of the shot to the buttocks?

2 A. Yes, sir.

3 Q. And how much -- what is your understanding as to how
4 much of a left-to-right component that had, if you know?

5 A. No idea, sir.

6 I don't think they put measurements in there.

7 Q. Okay. But your understanding was it struck the left
8 side of the right buttocks and had a left-to-right
9 trajectory.

10 Do I have that correct?

11 A. That's correct.

12 Q. And when you eventually approached Mr. Llamas, you
13 noticed the shots that you described.

14 That's when you noticed the wounds?

15 A. Correct.

16 Q. How much time passed in between the shooting and
17 when you actually approached him?

18 A. Approximately ten seconds or less.

19 Q. And --

20 A. Let me rephrase that. We approached him almost
21 right away within two seconds, but by the time we made it to
22 his body, it had been less than ten seconds, approximately.

23 Q. And what distance about did you have to cover to get
24 to his body?

25 A. About that 35 to 40 yards.

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1 Q. Did anyone check, if you know, to see whether he had
2 a pulse?

3 A. We did, yes, sir.

4 Q. And who checked, if you know?

5 A. Lieutenant Walsh. I also checked his wrist at some
6 point.

7 Q. And do you know when Lieutenant Walsh checked for a
8 pulse in relation to the approach?

9 A. Once the gun was taken out of his hands, pretty
10 quickly after that medical started on Llamas from my --
11 Lieutenant Walsh and myself.

12 Q. What, if anything, did Lieutenant Walsh do medically
13 that you observed?

14 A. Lieutenant Walsh performed to my knowledge he
15 checked for pulse, checked for breathing, and then we started
16 checking for major hemorrhaging which is the first step.

17 We did not see any major hemorrhaging, so we started
18 doing blood sweeps of Llamas which is how you can find a
19 wound in a cavity that maybe you don't see and maybe he's
20 bleeding out. We were unable to find that wound or any
21 wounds that was giving him massive hemorrhaging.

22 And then once after -- during that blood sweep or
23 right after, Lieutenant Walsh started compressions on Llamas'
24 chest to start performing CPR. That's the extent of I think
25 what Lieutenant Walsh did.

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1 **Q. How about yourself?**

2 A. I checked his radio pulse on his wrist at some
3 point. I started doing blood sweeps extensively, put gloves
4 on, started doing blood sweeps right away, trying to see if
5 we can stop a bleed or get a -- get him -- he still looked
6 alive. So get him stable. We had medical on-scene.

7 So we knew they were in route. So from there I saw
8 the wound in the buttocks. There is not really any medical
9 tactical medical intervention for that. And then it wasn't
10 until AMR got there which was only a minute or so after that
11 I noticed the wound to the nose because we couldn't figure
12 out why he wasn't responsive from our medical evaluation
13 until AMR was able to come and take over the medicine.

14 **Q. So you said that you noted he was still alive.**

15 **What did you see that led you --**

16 A. I didn't -- no. I said that -- I'm sorry, Dale.

17 I said he looked like he was till alive like he --
18 his eyes were still open. He hadn't completely turned gray
19 like I've seen with people that die in car wrecks and things
20 like that from my experience.

21 So he still looked like he had some color to his
22 life, but he wasn't breathing, and his heart wasn't pumping.

23 That's why we started performing CPR.

24 **Q. Okay. And was the medical staged nearby, if you**
25 **know?**

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1 A. Very close, yes.

2 Q. So they were able to get there relatively quickly?

3 A. Very quickly.

4 Q. Did you remain nearby while the paramedics were
5 providing assistance to Mr. Llamas?

6 A. For a little bit. And then I was pulled away from
7 the scene at that point.

8 Q. You mentioned at some point in your statement, and
9 excuse my language, but did Lieutenant Walsh at some point
10 say, "Oh, shit" or words to that effect?

11 A. He did.

12 Q. When did he say that?

13 A. When Lieutenant Walsh looking at BWC, I did not hear
14 this on-scene. This is all from BWC, but putting everything
15 I know together, it was when he saw Llamas running up the
16 driveway.

17 Q. Okay. That would have been shortly before the shots
18 took place?

19 A. Correct.

20 Q. And at the time did you have a body-worn camera?

21 A. I did not.

22 Q. What was the policy at the time?

23 That the sergeants would have those, but not
24 deputies?

25 A. That's correct.

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1 Q. And has that changed now?

2 A. It has, sir. We all have BWC now.

3 Q. Okay. Everyone has them now in your unit --

4 A. That's correct. Yes, sir.

5 Q. And in your statement you were talking about the
6 body language of individuals you shot on the 215, and I think
7 comparing it to some extent with this case.

8 Do you remember that?

9 A. I do, sir.

10 Q. What was the body language that you were referring
11 to on the 215 shooting?

12 MR. RAMIREZ: Objection to relevancy.

13 But you may respond.

14 BY MR. GALIPO:

15 Q. If you recall.

16 A. I recall. Suspect was fleeing felon, very similar
17 crimes to Llamas'. He ran on -- his car ran out of gas, he
18 ran on the freeway with a firearm in his hand actively
19 pointing it at cars trying to what appeared to me from my
20 training and experience as carjack a vehicle because his car
21 was out of gas. And then once all the vehicles realized from
22 the southbound 215 what he was doing, they stopped.

23 My assumption is he -- his options were done, or he
24 had no other options but to shoot at the cops. And so he
25 actually turned towards his left, his back was facing me, he

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1 was looking at all the vehicles trying to get -- point them
2 at every car passing, trying to inside of those cars.

3 And then once the car stopped and they were too far
4 away from him to get to, he started orienting his body
5 towards the left swinging his gun in the same motion towards
6 honestly that Llamas did towards my direction, and I engaged
7 one that day on the 215, which three shots.

8 **Q. Do you know if that person survived or not?**

9 A. Initially, he did, but he died later at the
10 hospital.

11 **Q. And your other shooting you were involved in, do you**
12 **know if that person survived?**

13 A. He did not. And I was not the only shooter in
14 that.

15 **Q. So the 215 you were the only shooter, but the other**
16 **call there were multiple shooters?**

17 A. That's incorrect. There was a second shooter on the
18 215, but I was one of the shooters.

19 **Q. Okay. Thank you.**

20 A. Yes, sir.

21 **Q. Shortly after the second volley of shots, did**
22 **Lieutenant Walsh say something to the effect, you know, "Stop**
23 **shooting" or "Why are you shooting?"**

24 A. I don't really recall. And looking at the video
25 evidence, I can't really make out what he said at the time.

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1 I just heard him say my name. He was my sergeant
2 prior to him being our lieutenant. So him and I had a very
3 extensive working background, and I knew exactly what -- when
4 his tone, certain words he can put tones on. I know that he
5 means something, and I just heard my name Jimmie with the
6 tone he said, and that was him probably -- I don't know --

7 MR. RAMIREZ: You've answered --

8 THE WITNESS: I'm assuming. So yeah, I just heard
9 him say my name Jimmie. I think he said some more, but I
10 don't know what it was. Sorry.

11 BY MR. GALIPO:

12 Q. That's okay. Because in your statement at some
13 point you say, "I engaged I think four more rounds, I aimed
14 at his head. I remember Walsh saying my name almost like why
15 are shooting."

16 Is that what you said --

17 A. At the time that was my assumption.

18 Q. Okay. That was your impression at the time?

19 A. At that moment in time I assumed, and that's when my
20 response was, "He's pointing a gun at us, the gun is -- he
21 had a gun in his hand, it's pointing at us."

22 Q. Okay --

23 A. At that point I realized they could not see what I
24 could see.

25 Q. Now, prior to shooting Mr. Llamas, did you have any

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1 information that he had ever shot at anyone else with a
2 firearm?

3 A. Well, I did -- prior to me shooting him?

4 Q. Right.

5 A. I did. So when -- when he shot the initial shot
6 towards our Search Team, and I went back over there, I was
7 under the assumption from the statement that Deputy Hyler
8 [phonetic] gave me that he shot at us. He didn't shoot Rudy.
9 He shot at the deputies on-scene. Rudy was just a byproduct
10 of that because it's in my report Deputy Hyler says, "Dude,
11 that was --" something to the effect of, "Dude, that was
12 gnarly, he just shot at us."

13 And Lieutenant Max said a few things or Sergeant Max
14 at the time about the bullet whizzing over their heads. So
15 my assumption was he had already shot at law enforcement that
16 day. That was my perspective.

17 Q. So based on that assumption, did you think you could
18 shoot him simply for running up the driveway?

19 A. No, not at all. If that was the case, I would have
20 shot him way sooner. That's not in my brain; that thought
21 was not in my brain at all.

22 Q. And before that day did you ever have any
23 information that Mr. Llamas had shot at another human
24 being?

25 A. No, sir.

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1 Q. Any information that he had ever pointed a gun at
2 another human being?

3 A. Yes, sir.

4 Q. And what was that?

5 A. The robbery approximately a week prior was with the
6 firearm. He had a active warrant for armed robbery, and he
7 had beaten the guy really bad with his pistol.

8 Q. So there was force used in terms of the pistol
9 against the person?

10 A. Absolutely.

11 Q. But you don't know whether there was a pointing of
12 the pistol, but you know it was used as a weapon to beat the
13 person?

14 A. I guess we can assume either side.

15 Q. How long did you stay at the scene after the
16 shooting occurred?

17 A. Approximately complete estimate 20 to 30 minutes.

18 Q. Where did you go from the scene?

19 A. And by the scene, I mean I was on River Road at the
20 mouth of the driveway, not with Llamas at that time.

21 Q. I understand --

22 A. After the scene I came back to the office, the
23 Special Enforcement Bureau Office.

24 Q. And how long did you stay there?

25 A. I was probably there for -- estimating five hours,

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1 four, five hours.

2 Q. Did you speak to anyone while you were there?

3 A. I did.

4 Q. Who did you speak to that worked at the
5 department?

6 A. That worked at the department?

7 Q. Yeah. I don't need to know about personal calls you
8 might have made to family or friends. I'm more concerned
9 about -- interested in people you spoke to that either
10 supervisors or representatives or --

11 A. There were representatives -- sorry, Dale.

12 There was attorneys, psychologists, and then I
13 really didn't talk with any of my partners about the shooting
14 at all. They were still on the scene.

15 Q. Okay. And you had kind of been through this process
16 a couple times before with the other shootings as far as
17 meeting with the representative, a psychologist, things of
18 that nature?

19 A. That's correct, sir.

20 Q. And do you know how it was decided that your
21 statement wasn't going to be taken that day, but a couple
22 days later?

23 A. I don't, sir.

24 Q. Okay.

25 MR. GALIPO: Why don't we take our last break.

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1 I think I'm getting pretty close, Gene.

2 You want to take a another ten minutes, and then
3 we'll come back and finish it up?

4 MR. RAMIREZ: That's fine.

5 MR. GALIPO: Okay. Noah, I think we're ready to go
6 off the record.

7 THE VIDEOGRAPHER: Going off the record at 3:34 p.m.

8 (Recess taken.)

9 THE VIDEOGRAPHER: Back on the record at 3:45 p.m.

10 BY MR. GALIPO:

11 Q. Was there any ever a debriefing on this incident
12 just to discuss tactics and things of that nature with your
13 group?

14 A. Internally, sir.

15 Q. And when did that take place?

16 A. I don't recall. I know the shooting portion was
17 left out of it, but all the tactics that led up to that
18 incident we spoke of was probably within two weeks is my best
19 assumption, estimation.

20 Q. Is the goal of an operation like this to safely take
21 the person into custody if you can?

22 A. Every time.

23 Q. With the minimal amount of force used?

24 A. Every time. I think our -- I think our bureau
25 operates 200 to 250 ops' a year, and we get a lot of suspects

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1 in custody with no force, no damage, no injures to deputies,
2 suspects, civilians. That's always our goal.

3 Q. And in terms of your deadly force training, are you
4 essentially trained that deadly force should only be used if
5 there is an immediate or imminent threat of serious bodily
6 injury?

7 A. That's correct.

8 Q. And obviously, the training would be generally
9 speaking if there is not an immediate or imminent threat of
10 death or serious bodily injury, then deadly force should not
11 be used?

12 A. That's correct.

13 Q. I think you told me earlier that based on the
14 training, the person has to have the opportunity, ability,
15 and apparent intent to immediately cause death or serious
16 bodily injury?

17 A. That's correct, sir.

18 Q. And I think we also discussed that a weapon in
19 someone's hand like a firearm, that fact alone is not enough;
20 there needs to be more than that; is that fair?

21 A. That's incorrect. If you recall, I talked about
22 that suicidal subject that I have been on a few calls like
23 that. So yes, a 100 percent.

24 Q. Did you think --

25 A. You can't shoot someone in that situation.

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1 Q. Did you think Mr. Llamas was potentially suicidal
2 when he was running with the gun to his head?

3 A. I did not, sir.

4 Q. And you're trained that you're responsible to
5 justify each shot; is that fair?

6 A. Every shot, sir.

7 Q. Okay. We're going to just look quickly at I think
8 the video footage from the helicopter, and we're going to
9 mark it I think as Exhibit 3 going in order.

10 MR. GALIPO: Is that right, Shannon?

11 We had Exhibit 1 and 2 with the sergeant's
12 deposition, so that's why we're going to mark it as 3.

13 (Exhibit 3 was marked for identification.)

14 BY MR. GALIPO:

15 Q. I'm going to try to show a portion of it, and we'll
16 watch it through, and then I'll have Shannon stop it then we
17 might look at it again, and I might ask you a few questions
18 about it.

19 A. Sure.

20 Q. Okay. So before we start, we see a white figure in
21 the frame.

22 Is that supposed to be Mr. Llamas, if you know?

23 A. I can't answer that. I know there is a female from
24 what I viewed. I would have to see more of the video to give
25 you that answer, sir.

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1 **Q. Okay.**

2 MR. GALIPO: What time are we at?

3 Are we at 46 minutes?

4 MS. LEAP: Yeah. For the record, the video is
5 paused at 46 minutes.

6 MR. GALIPO: Okay. Why don't you play it about ten
7 seconds and stop just to give the deputy some sense of where
8 we're at.

9 (Video playing.)

10 THE WITNESS: You can pause it.

11 MR. GALIPO: Okay. Let's stop.

12 (Video paused.)

13 THE WITNESS: From what I've seen that in what I
14 heard Star 9 the traffic put out that day and the evidence
15 videos I've looked at, that's Llamas.

16 BY MR. GALIPO:

17 **Q. Do you know why your general understanding when**
18 **we're looking at this, he looks to be whitish in color?**

19 A. That's what the FLIR camera does, sir.

20 **Q. Okay.**

21 MR. GALIPO: And all right. And we stopped it at
22 46:07. Why don't we continue, please, Shannon.

23 MS. LEAP: Okay. And if you want me to move forward
24 at all, just let me know.

25 (Video playing.)

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1 (Video paused.)

2 BY MR. GALIPO:

3 Q. Is this the initial time that you saw him that we
4 talked about earlier?

5 A. That's correct, sir.

6 Q. And during this time frame he essentially had the
7 gun to the right side of his head?

8 A. Correct.

9 Q. Was there a time frame here where he like pointed or
10 gestured to the ground?

11 A. There is.

12 Q. And what did you interpret him to be doing at that
13 time?

14 A. From my extensive training and experience, I assumed
15 that he was baiting us to break cover or concealment come
16 closer to him to apprehend him so that he could shoot at
17 us.

18 Q. And I'm assuming you did not take the bait and leave
19 cover at that point?

20 A. That's correct.

21 Q. All right. And we stopped it at 46:38.

22 MR. GALIPO: Let's continue, please.

23 (Video playing.)

24 MR. GALIPO: And let's stop it again.

25 (Video paused.)

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1 BY MR. GALIPO:

2 Q. At 46:52.

3 During any of this time frame did you have an
4 impression as to whether he knew the law enforcement was
5 nearby?

6 A. He was 100 percent aware that law enforcement was
7 nearby. I did the scout on the property when I first landed
8 on the 20 acres which is a tactic that we do when we first
9 get on-scene to get an orientation of the property or
10 residence, whatever kind of objective we're working to search
11 or apprehend a bad guy or suspect.

12 So I did the scout of the whole property. It took
13 about 20 minutes. It was somewhere around 17:00 hours when I
14 first got there would be my assumption.

15 I could be off on that time, but you can check the
16 CAD report. During that scout I observed Star 9 put out
17 multiple announcements that by name Johnny Llamas, we know
18 you're armed, we need you to come out to the nearest deputy
19 with your hands in the air, nothing in your hands. Those
20 announcements were given in Spanish as well as we have police
21 K-9 announcements which that's a separate announcement.

22 And then I heard the same announcements from the
23 police units as well as our BearCats which have an amplified
24 speaker, and during my scout and Star 9's announcements, you
25 could probably hear their announcements a half mile to a mile

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1 away. So That was three hours, two to three hours worth of
2 announcements in English and Spanish. In hindsight Llamas
3 spoke English. So that wasn't an issue anyways, and there
4 were multiple announcements with his name, Johnny Llamas, we
5 know you're armed, we know you have a handgun, we need you to
6 come out with your hands up in the air and nothing in your
7 hands. So yes, he knew a 100 percent that police and
8 deputies, law enforcement was on-scene.

9 Q. Okay. Thank you for that. I was -- my question was
10 poor. I was trying to ask you during this time frame that he
11 came out during this approximate 60 seconds with the gun to
12 his head, whether he ever looked in your direction during
13 that time.

14 A. He did, yes, sir.

15 Q. So you had the impression he knew you were there
16 during that time?

17 A. He looked in my direction, and he looked to the east
18 where there were other deputies stationed further down, and
19 you could see him look at them, and turn the other way.

20 So he knew a 100 percent that law enforcement was
21 on-scene on River Road.

22 Q. And during this approximate 60 seconds, I guess up
23 to two minutes that you observed him at this point with the
24 gun to his head, did he ever at any time during that time
25 frame point the gun at you or any of the officers?

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1 A. Not until -- no, not on River Road.

2 Q. Okay. And this is stopped at 46:52.

3 MR. GALIPO: Please continue, Shannon.

4 (Video playing.)

5 MR. GALIPO: Stop.

6 (Video paused.)

7 BY MR. GALIPO:

8 Q. Stopping at 47:17.

9 Is this the time frame when he went out of your
10 view?

11 A. That's correct.

12 Q. And this is when he was running northbound as we
13 discussed earlier?

14 A. It appears he was running northbound, but we were
15 running to the mouth of the driveway. So in hindsight, it
16 looks like he's northbound, yes.

17 Q. Okay.

18 MR. GALIPO: Continue, please.

19 (Video playing.)

20 MR. GALIPO: Okay. Stop right there.

21 (Video paused.)

22 MR. GALIPO: So we're now out 47:27.

23 BY MR. GALIPO:

24 Q. Are you able too see the white figure still in this
25 still image?

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1 A. Yes.

2 Q. And you believe that is Mr. Llamas?

3 A. I do.

4 Q. And is he running in the driveway that we've been
5 speaking of at this point?

6 A. He is.

7 Q. And is he running generally northbound?

8 A. Like I said earlier, northbound drifting from my
9 perspective on-scene towards the west.

10 Q. And would you have been at this point at the mouth
11 of the driveway?

12 A. I'm not sure my exact location, but it was somewhere
13 with him running between somewhere approximately around 35 to
14 45 yards.

15 Q. And if I have my directions straight, you would have
16 been to the bottom-left portion?

17 A. You know what, Dale, let me rephrase that.

18 I was at the mouth of the driveway because if you
19 rewind about ten seconds, you can see him orient his body to
20 the left the first time. I saw that through my magnifier.

21 So I would say yes, I was at the mouth of the
22 driveway at some point.

23 MR. GALIPO: Okay. Let's go back just a little bit
24 then. Okay, yeah. So let's -- 47:23.

25 Let's play from there.

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1 (Video playing.)

2 MR. GALIPO: And let's stop.

3 (Video paused.)

4 BY MR. GALIPO:

5 Q. Are you say he already oriented to the left the
6 first time?

7 A. Yes, sir.

8 Q. Okay. When he oriented to the left the first time,
9 you would have already been at the mouth of the driveway?

10 A. Yes, sir.

11 Q. And did he -- when he oriented to the left the first
12 time, did the gun come in your direction at all that time?

13 A. No. The gun stayed at his head.

14 Q. All right. So I take it in the next five seconds or
15 so is when the shooting occurs?

16 A. I would assume that just from his location on the
17 camera.

18 Q. And this is when you're saying he turned towards you
19 prior to the shooting?

20 A. From my perspective from the different angle on the
21 ground through my three by magnifier, that's correct.

22 Q. All right.

23 MR. GALIPO: Let's -- we stopped it at 47:29.

24 Please play.

25 (Video playing.)

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1 MR. GALIPO: Okay. Stop.

2 (Video paused.)

3 MR. GALIPO: So let's just go back.

4 We stopped at 47:33

5 Can you go back about ten seconds, Shannon.

6 So 47:23, play forward.

7 Okay. So stop there.

8 (Video paused.)

9 BY MR. GALIPO:

10 Q. So the first volley's already happened, right,
11 before he went to the ground?

12 A. Within a second I would assume that's correct.

13 Q. And have you seen any enhancement done on this yet
14 by any video experts enhancing his body positioning right
15 before he went to the ground?

16 A. No, sir.

17 Q. And then while he was on the ground, the second
18 volley of shots occur?

19 A. At some point, correct.

20 MR. GALIPO: Can we just go back a little bit more,
21 and I'm going to have you stop it one last time.

22 Okay. It's at 47:22, and I'll let you know when to
23 stop it around 47:30.

24 (Video playing.)

25 MR. GALIPO: Stop right there.

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1 (Video paused.)

2 BY MR. GALIPO:

3 Q. Do you think he's made this second turning motion
4 yet?

5 A. Dale, I honestly can't tell looking at -- it's --
6 it's very zoomed out. So from the FLIR thermal imaging in
7 this angle, it's really -- it's hard for me to see right
8 now.

9 Q. Okay.

10 MR. GALIPO: Let's go just a little bit forward and
11 stop. Okay, there he's on the ground.

12 BY MR. GALIPO:

13 Q. Okay. Is this the video that at least that you have
14 seen several times?

15 A. Correct. And like I said earlier, it was, you know,
16 it's small and zoomed out. It's hard to see on the laptop
17 that I viewed it on.

18 Q. Okay.

19 MR. GALIPO: Thank you. That's fine, Shannon.

20 I think that's all the questions I have.

21 Gene, did you have any questions for your client
22 today?

23 MR. RAMIREZ: I don't think so. I think I'm good.

24 I would like to order a copy and also have the video
25 and synced up for both Sergeant Hubacheck and Deputy McGuire,

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1 please.

2 MR. GALIPO: Okay. You can arrange that separately
3 with the video company, Gene.

4 MR. RAMIREZ: Perfect.

5 MR. GALIPO: Noah, you can reach out to Mr.
6 Ramirez's office for that?

7 THE VIDEOGRAPHER: Yeah. No problem. I'll note it.
8 I'll also take us off the record if that's all
9 right.

10 MR. GALIPO: Yeah. Let's go off the record, please.

11 THE VIDEOGRAPHER: Going off the record at 4:02 p.m.

12 (Deposition proceeding concluded at 4:02 p.m.)

13 * * *

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1 DECLARATION UNDER PENALTY OF PERJURY

2

3 Case Name: S.L., et al. vs. County of Riverside, et al.

4 Date of Deposition: December 20, 2024

5 Job No.: 125233

6

7 I, _____, hereby certify

8 under penalty of perjury under the laws of the State of

9 California that the foregoing is true and correct.

10 Executed this _____ day of _____,

11 20____, at _____, California.

12

13

14

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JIMMIE MCGUIRE

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25

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CERTIFICATE

OF

CERTIFIED STENOGRAPHIC SHORTHAND REPORTER

I, JINNA GRACE KIM, CSR No. 14151, a Certified
Stenographic Shorthand Reporter of the State of California,
do hereby certify:

That the foregoing proceedings were taken before me
at the time and place herein set forth;

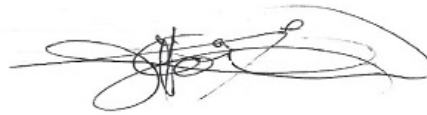
That any witnesses in the foregoing proceedings,
prior to testifying, were placed under oath;

That a verbatim record of the proceedings was made
by me, using machine shorthand, which was thereafter
transcribed under my direction;

Further, that the foregoing is an accurate
transcription thereof.

I further certify that I am neither financially
interested in the action, nor a relative or employee of any
attorney of any of the parties.

IN WITNESS WHEREOF, I have subscribed my name, this
date: December 20, 2024.



Jinna Grace Kim, CSR No. 14151

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1 DEPOSITION ERRATA SHEET

2 Case Name: S.L., et al. vs. County of Riverside, et al.

3 Witness: Jimmie McGuire

4 Date of Deposition: December 20, 2024

5 Job No.: 125233

6

7 Reason Codes: 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10

11 Page _____ Line _____ Reason _____

12 From _____ To _____

13 Page _____ Line _____ Reason _____

14 From _____ To _____

15 Page _____ Line _____ Reason _____

16 From _____ To _____

17 Page _____ Line _____ Reason _____

18 From _____ To _____

19 Page _____ Line _____ Reason _____

20 From _____ To _____

21 Page _____ Line _____ Reason _____

22 From _____ To _____

23 Page _____ Line _____ Reason _____

24 From _____ To _____

25 Page _____ Line _____ Reason _____

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1 DEPOSITION ERRATA SHEET

2 From _____ To _____

3 Page _____ Line _____ Reason _____

4 From _____ To _____

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6 From _____ To _____

7 Page _____ Line _____ Reason _____

8 From _____ To _____

9 Page _____ Line _____ Reason _____

10 From _____ To _____

11 Page _____ Line _____ Reason _____

12 From _____ To _____

13 Page _____ Line _____ Reason _____

14 From _____ To _____

15 Page _____ Line _____ Reason _____

16 From _____ To _____

17

18 _____ Subject to the above changes, I certify that the
19 transcript is true and correct.

20 _____ No changes have been made. I certify that the
21 transcript is true and correct.

22

23

24

JIMMIE MCGUIRE

25

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EXHIBIT 22

EXHIBIT 22

S.L., ET AL. vs COUNTY OF RIVERSIDE, ET AL.
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1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

3 --oOo--

4

5 S.L., a minor by and through the
6 Guardian Ad Litem Kristine Llamas
7 Leyva, individually and as successor-
8 in-interest to JOHNNY RAY LLAMAS,
9 deceased; V.L., by and through the
10 Guardian Ad Litem Amber Snetsinger,
11 individually and as successor-in-interest
12 to JOHNNY RAY LLAMAS, deceased;
13 and CAROLYN CAMPBELL, individually

14 Plaintiff,

15 v. Case No. 5:24-cv-00249-CAS-SP

16 COUNTY OF RIVERSIDE; and
17 DOES 1-10, inclusive,

18 Defendants.

19 _____/

20

21 STENOGRAPHIC REPORTER'S TRANSCRIPT OF

22 DEPOSITION OF MICHAEL WALSH

23 FRIDAY, MARCH 21, 2025

24

25

26 Reported Stenographically by:

27 KIMBERLY D'URSO, CSR 11372, RPR

28 Job No. 00113800

29

30

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Michael Walsh on 03/21/2025

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	(NONE MARKED.)	
	--OO--	

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1 --oOo--

2 BE IT REMEMBERED, that set on Friday, the
3 21st day of March, 2025, commencing at the hour of
4 10:02 a.m., thereof, MICHAEL WALSH, appeared remotely in
5 Riverside, California, before me, Kimberly E. D'Urso, an
6 RPR and Certified Shorthand Reporter of the State of
7 California, the following deposition was stenographically
8 reported by me:

9 (Whereby the Certified Shorthand Reporter
10 introduced herself on the record and
11 administered the oath to the deponent.)

12

13 EXAMINATION

14 BY MR. LEVINE:

15 Q. Good morning, Lieutenant Walsh.

16 A. Good morning, sir.

17 Q. Could you start by please just stating and
18 spelling your last name for the record?

19 A. Michael Walsh; M-I-C-H-A-E-L, and Walsh is
20 W-A-L-S-H.

21 Q. And have you had your deposition taken before
22 ever?

23 A. I have.

24 Q. How many times, approximately?

25 A. Including mock or rehearsal, I would say --

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1 (Simultaneous speakers.)

2 MR. RAMIREZ: No, just actual --

3 THE WITNESS: -- just actual depositions,
4 probably three.

5 BY MR. LEVINE:

6 Q. So three actual depositions?

7 A. Three actual.

8 Q. Okay. And when was the most recent deposition
9 of those?

10 A. Probably the most recent was there was a
11 mountain biker that died up in Ortigas.

12 MR. RAMIREZ: Just give the date and not the
13 facts.

14 THE WITNESS: It was probably over seven, eight
15 years ago, if I could guess.

16 BY MR. LEVINE:

17 Q. And were those all civil cases, to your
18 knowledge, where you gave the three depositions?

19 A. To my knowledge, yes.

20 Q. Were you named as a defendant in any of those
21 cases, if you know?

22 A. I was not -- I don't think I was.

23 Q. Okay. Have you ever been named as a defendant
24 in a lawsuit, based on something that happened while you
25 were acting in your capacity as a sheriff's deputy or

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1 law enforcement officer?

2 MR. RAMIREZ: It's a "yes" or "no."

3 THE WITNESS: Yes.

4 BY MR. LEVINE:

5 Q. Okay. And how recently was that?

6 A. Probably over ten years ago.

7 Q. Do you recall the year or approximate year?

8 A. The one that comes to mind with that was in
9 2000.

10 Q. Okay. Do you know if that was based on a use
11 of force by you while you were acting as a deputy?

12 A. Yes.

13 (Simultaneous speakers.)

14 MR. RAMIREZ: Objection. Relevance.

15 (Reporter clarification.)

16 MR. RAMIREZ: Relevance; but that he may
17 answer.

18 BY MR. LEVINE:

19 Q. And yeah, just to -- I know you've had your
20 deposition taken before, but just for the benefit of the
21 court reporter, as she's mentioned, you know -- and this
22 goes for between me and you, as well -- it's just
23 important to both speak a little slower than our normal
24 speaking pace, and also try not to step over each other.

25 So, just for example, I'll try to let you

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Michael Walsh on 03/21/2025

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1 finish your response before I ask my next question, and
2 I'll try to let your attorney object before I say
3 anything else. Things like that, just to help get a
4 clean record.

5 Does that sound good to you?

6 A. Sounds good, sir.

7 Q. Thank you. I know the court reporter
8 appreciates it.

9 So anyway, was there one single case where
10 you've been named as a defendant in a civil case, to
11 your knowledge? The one you mentioned?

12 A. Yes.

13 Q. Okay. There haven't been any others, is what
14 I'm asking?

15 A. Not that I recall.

16 Q. Okay. Do you know if that case in which you
17 were named as a defendant ever went to trial?

18 A. It did not, from what I understand.

19 Q. Okay. What -- did you fire a duty weapon or
20 other type of firearm during the incident that was the
21 subject of that lawsuit?

22 A. A duty weapon.

23 Q. Do you -- what type of weapon was that, if you
24 recall?

25 MR. RAMIREZ: Objection as to relevance.

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1 But you may answer.

2 THE WITNESS: A pistol.

3 BY MR. LEVINE:

4 Q. And how many shots from that pistol did you
5 fire during that incident?

6 A. I think it was six, six to seven, maybe eight.

7 Q. Do you know if those six, seven, or eight shots
8 were fired in one volley or over multiple volleys?

9 MR. RAMIREZ: Compound. Vague and ambiguous.
10 Relevance.

11 But you may answer, if you understand.

12 THE WITNESS: One volley, sir.

13 BY MR. LEVINE:

14 Q. And without going too much into detail, are you
15 able to tell me just what the very general circumstances
16 of that incident were that led you to shoot those six to
17 eight shots?

18 MR. RAMIREZ: Objection as to relevance.

19 But you may answer.

20 THE WITNESS: It was a call to a residence in
21 Moreno Valley of some subjects that were believed from
22 reporting party -- believed had entered a home, and they
23 were described as three individuals wearing masks,
24 possibly wielding weapons. And what their intent was in
25 the home was not necessarily understood at the time.

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1 But as they exited, one of the suspects fired
2 in our direction when we arrived, and we returned fire.

3 BY MR. LEVINE:

4 Q. So just the shooting occurred when the
5 individuals you were shooting at had already exited the
6 home again and were outside?

7 A. One had actually appeared at the front door.
8 But there were several of us there, and, because of
9 angles, only one or two of us could see that subject and
10 then another subject -- there were three -- and then
11 another subject actually exited and fired his weapon in
12 our direction.

13 Q. Okay. So prior to you firing any of your shots
14 during that incident, you had actually seen this subject
15 aim his firearm in your direction and begin to fire it?

16 A. Yes.

17 Q. And do you know if that individual died as a
18 result of the shots you fired?

19 MR. RAMIREZ: Objection as to relevance.

20 But you may answer.

21 THE WITNESS: He did die.

22 BY MR. LEVINE:

23 Q. And I think you mentioned there was another
24 deputy or officer who fired around the same time you
25 did; is that correct?

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1 A. There were three others.

2 Q. So four shooting officers total; is that what
3 you mean?

4 A. Four total, yes.

5 Q. Okay. And do you have any understanding as to
6 whether it was your shots that killed this person or one
7 or more of the other officers?

8 MR. RAMIREZ: May call for an expert opinion.
9 May call for a medical opinion. Relevance.

10 But you may answer, if you know.

11 THE WITNESS: I was told by, at the time,
12 Internal Affairs, within the organization, that they
13 recovered projectiles from the decedent that belonged to
14 several of us.

15 BY MR. LEVINE:

16 Q. So you weren't sure as to who, you know, fired
17 any potential fatal shots; is that correct?

18 A. I couldn't tell you if they were the ones that
19 were the lethal shots or whether they just struck him
20 somewhere else.

21 Q. And was your deposition taken in that matter?

22 A. I don't recall a deposition. I do recall being
23 the subject of a lawsuit that was, I believe, later
24 dismissed.

25 Q. Okay. You just don't know whether your

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1 deposition was taken at any time prior to that
2 dismissal?

3 A. I don't recall taking a deposition prior to
4 that dismissal.

5 Q. Thank you. So I know we're about ten minutes
6 in here already. I just wanted to mention I usually
7 would take about an hour during the deposition before
8 taking a ten-minute break, and I know you've had your
9 deposition taken before, so if you need a break at any
10 time, feel free to let me know and that will be fine.

11 Does that work for you?

12 A. Yes, sir.

13 Q. Okay. And I should have asked this earlier,
14 but is there any reason why you cannot give your best
15 testimony today?

16 A. There is not.

17 Q. Okay. Is it your understanding that we're here
18 to discuss an incident involving somebody named Johnny
19 Llamas?

20 A. Yes. I thought it was Llamas, but Llamas.

21 Q. Spelled L-L-A-M-A-S?

22 A. Correct, sir.

23 Q. Okay. We don't need to worry so much about the
24 pronunciation. If I refer to somebody named Llamas,
25 will you understand who I'm talking about?

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1 A. Yes.

2 Q. Have you reviewed any documents in preparation
3 for this deposition?

4 A. I have.

5 Q. What have you reviewed?

6 A. I reviewed my body-worn footage, body-worn
7 camera footage, helicopter footage. I read -- when I
8 was interviewed, I read the transcripts of the
9 interview.

10 Q. Did you ever listen to an audio recording of
11 that interview?

12 A. I did not listen to an audio recording.

13 Q. Okay. And when was the most recent time that
14 you read the transcript of that interview?

15 A. Last night.

16 Q. Do you recall how many -- scratch that.

17 Do you recall what date it was that you gave
18 that interview on?

19 A. I don't recall the date.

20 Q. Do you have an estimate for how long after the
21 incident it was that you gave the interview?

22 A. Probably a week later.

23 Q. Okay. Do you know how many times between the
24 date that you gave that interview and today, how many
25 times you've reviewed that transcript?

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1 A. Probably a total of three times.

2 Q. Were those all within the past month or so,
3 approximately?

4 A. Two were within the last month, and the other
5 one was probably within the last year.

6 Q. And I think you mentioned you reviewed your
7 videos from the body-worn camera that you were wearing
8 on the date of the incident; is that correct?

9 A. That's correct.

10 Q. Do you know how many separate videos it was
11 that you reviewed from your body camera?

12 MR. RAMIREZ: I would say it's vague and
13 ambiguous as to pertaining to his own camera.

14 But if you understand, you may respond.

15 THE WITNESS: I did review my own camera; I saw
16 portions of Sergeant Hubachek's camera; and I reviewed
17 the aviation footage.

18 BY MR. LEVINE:

19 Q. I guess what I'm asking is, when you reviewed
20 your own body camera footage -- I'm just talking about
21 your own body camera right now -- was it a single video
22 file or was it multiple video files, if you recall?

23 A. I believe it was a single video file, just a
24 continuation of the event.

25 Q. Okay. And was that video file one that

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1 depicted the deputy shooting during this incident?

2 A. Portions of it.

3 Q. Okay. It included periods of time both before
4 and after the deputies fired their shots?

5 A. Yes.

6 Q. And then I think you said you reviewed -- was
7 it Sergeant Hubachek's body-worn camera footage, as
8 well?

9 A. Portions of it.

10 Q. Okay. Did those portions include the deputy
11 shooting?

12 A. I don't recall the deputy shooting -- the
13 actual shooting his camera, other than post incident or
14 post shooting.

15 Q. Do you recall viewing any portions of the
16 incident on his camera that were prior to the shooting?

17 A. I don't recall reviewing anything prior to, on
18 his camera.

19 Q. Okay. So in your understanding, everything
20 that you reviewed from his camera was after the
21 shooting; correct?

22 (Reporter clarification.)

23 THE WITNESS: Yes.

24 BY MR. LEVINE:

25 Q. And then I think you mentioned reviewing a

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1 camera from a helicopter, as well; is that right?

2 A. That is correct.

3 Q. And did that depict the shooting, as well?

4 A. It did -- or portions of it. I'm sorry.

5 Q. That's okay.

6 And also portions of the period prior to and
7 after the shooting?

8 A. Correct, sir.

9 Q. That video footage from the helicopter, do you
10 know if that was recorded on some type of infrared
11 camera?

12 A. It was recorded -- it was recorded on a FLIR,
13 or an infrared camera, portions of it.

14 Q. The portions that depicted the shooting and
15 immediately before and after the shooting, do you know
16 if that was a recorded on an infrared camera?

17 A. I believe so, it was.

18 Q. At least in terms of what you reviewed, I mean?

19 A. Yes. Yes.

20 Q. Okay. And prior to reviewing that video, have
21 you ever seen those kind of videos taken before on
22 infrared cameras?

23 A. I have, sir.

24 Q. And is that something that's, to your
25 knowledge, commonly used when there is a police

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1 helicopter responding to a scene and filming from
2 overhead?

3 MR. RAMIREZ: May call for speculation. Lacks
4 foundation.

5 But you may respond as to what you know.

6 THE WITNESS: I have reviewed it before and,
7 under most circumstances, they are switching from a
8 traditional camera view and an infrared camera view,
9 depending on the circumstances. It doesn't necessarily
10 have to do with daylight or nighttime.

11 It's -- really it's the heat, differences
12 between the ground temperatures and what humans put out.

13 BY MR. LEVINE:

14 Q. Okay.

15 A. Or live objects.

16 Q. I'm sorry. I didn't catch the last thing you
17 said.

18 A. Or live objects, which is something that's
19 alive, whether it's an animal or a person, versus...

20 Q. Thank you.

21 You had seen this type of video recorded from a
22 helicopter before? You had seen those types of infrared
23 recordings, prior to this recording?

24 A. I have.

25 Q. And you started to mention in one of your

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1 previous responses, heat and temperature. Is it your
2 understanding that the infrared camera essentially
3 depicts high temperatures in a different way than a
4 normal camera does?

5 MR. RAMIREZ: May call for speculation. May
6 call for an expert opinion.

7 But you may respond, if you can.

8 THE WITNESS: I don't know if it's high
9 temperature, is the difference. It's really the
10 difference between the object or the living object that
11 you seek, versus surrounding surfaces, such as ground
12 temperature, cars nearby, foliage, et cetera. And the
13 bigger disparity in temperature is usually easier to see,
14 the living object.

15 BY MR. LEVINE:

16 Q. To your knowledge and based on the videos you
17 have reviewed, including from this incident taken by
18 these types of cameras, is a living object typically
19 shown in white or a very bright color, similar to white?

20 MR. RAMIREZ: May call for speculation. Lacks
21 foundation.

22 But you may respond, if you know.

23 THE WITNESS: Typically. It just depends on
24 the model of the camera, but typically.

25 BY MR. LEVINE:

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1 Q. Okay. Besides reviewing your interview
2 transcript and the portion of your body-worn camera
3 video that you reviewed and Sergeant Hubachek's
4 body-worn camera video and the video taken from the
5 helicopter that we've discussed, are there any other
6 documents or records that you reviewed in preparation
7 for this deposition?

8 A. I reviewed some portions of the transcripts
9 that belong to Sergeant Hubachek and Deputy McGuire.

10 Q. Do you know if those were their interview
11 transcripts or deposition transcripts?

12 A. Interviews following the incident.

13 Q. Okay. Do you know approximately when those
14 interviews took place, based on your review of those
15 transcripts?

16 A. Probably about a week after the incident.

17 Q. Approximately around the same time of your
18 interview, more or less?

19 A. Yes, sir.

20 Q. Have you ever reviewed a transcript of either
21 of those officers' deposition taken in this case?

22 A. I have not.

23 Q. And have you ever reviewed a video recording of
24 those officers' deposition taken in this case?

25 A. I have not.

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1 Q. Since the time of your interview, between that
2 time and today, have you reviewed any materials related
3 to this case, other than what you've told me about
4 already?

5 A. In addition to, just some crime scene photos,
6 post incident, obviously.

7 Q. Did you review those specifically in
8 preparation for this deposition, those photos?

9 A. I did. I didn't view all of them, just some of
10 them.

11 Q. What, generally, did those photos depict, if
12 you recall?

13 A. The crime scene and where the subject had --
14 had, more or less, died, that area surrounding that.

15 Q. Basically where he ended up after the shots
16 were fired and was pronounced deceased?

17 A. Yes.

18 Q. Anything besides those and what we've already
19 covered that you've reviewed in preparation for this
20 deposition?

21 A. No, sir.

22 Q. And then when -- I think you said earlier that
23 you think you gave your interview statement
24 approximately one week after the incident; is that
25 correct?

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1 A. That is correct, sir.

2 Q. Do you know if, prior to giving that statement,
3 you had had the opportunity to review any video
4 recordings depicting any portion of the incident?

5 A. I believe I reviewed my -- my body camera and
6 portions of the aviation footage.

7 Q. To your knowledge, had you reviewed any part of
8 Sergeant Hubachek's body camera footage prior to your
9 statement?

10 A. I don't recall viewing any of his, prior to my
11 statement.

12 Q. And when you gave that statement -- well, do
13 you know if it was a voluntary versus a compelled
14 statement?

15 A. It was voluntary.

16 Q. And was part of your reason for giving a
17 voluntary statement to assist in the investigation of
18 this incident?

19 A. Yes, sir.

20 Q. Were you told during that interview that one of
21 the purposes of the investigation was to determine
22 whether there were any crimes committed by Deputies
23 McGuire or Hubachek?

24 MR. RAMIREZ: May call for speculation.

25 But you can respond, if you recall.

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1 THE WITNESS: Can you ask that again, sir?

2 BY MR. LEVINE:

3 Q. Sure. I'm just asking, you know, were you told
4 anything by the interviewer about the purpose or role of
5 the interview and the investigation it was a part of?

6 A. Just to determine what the facts were.

7 Q. Okay. You don't recall the word "criminal"
8 being used at any point?

9 A. I don't recall -- referring to the law
10 enforcement?

11 Q. Yes.

12 A. I don't recall anything related to that or that
13 word -- those words being used.

14 Q. Was -- was it your understanding that it was
15 essentially an Internal Affairs interview or
16 investigation?

17 A. Yes.

18 Q. Besides that interview that you gave, have you
19 given any other type of interview or statement regarding
20 this incident, outside of discussions with your
21 attorney, which I don't want to know about?

22 A. Well, you do an interview with the -- well,
23 it's called the "FID," "Force Investigation Detail."
24 That was the only interview that, I believe, I conducted
25 up until this point.

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1 **Q. Have you discussed this incident with Deputies**
2 **McGuire or Hubachek between the time of the shooting and**
3 **today?**

4 MR. RAMIREZ: Outside the presence of your
5 attorneys.

6 BY MR. LEVINE:

7 **Q. Outside the presence of your attorneys?**

8 A. We discussed the vague circumstances
9 surrounding, but nothing of detail.

10 **Q. What were the vague circumstances that you**
11 **discussed with them?**

12 A. Just what we can improve on, tactically. It's
13 more of a debrief-type incident: What could we do
14 better the next time, if there was anything we could
15 have done better?

16 **Q. Was that a conversation that was just between**
17 **the three of you, or were there other law enforcement**
18 **officials present?**

19 A. I believe just the three of us discussing what
20 we could do internally better, if -- if anything, in
21 that matter.

22 **Q. What did you and other officers discuss that**
23 **you could have done better during that conversation?**

24 A. Really, the only thing that came up was could
25 we have more -- could more manpower been present? But

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1 that wasn't necessarily -- it would have been ideal, but
2 honestly, it was not possible, based on how fast the
3 incident -- how dynamic it was and how fast it evolved.

4 Q. Were there any other points you discussed, in
5 terms of what could have been done better during that
6 conversation, besides the number of -- besides the
7 manpower?

8 A. Not that I recall, sir.

9 Q. So I'm going to ask you a few questions about
10 the incident itself in a moment. But before I do, I
11 just want to ask you a bit about yourself and your
12 background.

13 Are you currently employed?

14 A. I retired from the Sheriff's Office in
15 December.

16 Q. So you're retired and not working currently; is
17 that correct?

18 A. I retired and stayed on as a Level 1 Reserve
19 Deputy, but I'm also fully employed at Yaamava' San
20 Manuel Resort and Casino.

21 Q. In what capacity are you employed at Yaamava'?

22 A. I'm part of the executive protection detail.
23 It's a protective service provided to the elected tribal
24 council members.

25 Q. Is that essentially private security for the

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1 facility?

2 A. It's essentially security -- personal security
3 for only the seven elected members.

4 Q. Okay.

5 A. The council. More or less their heads of
6 government.

7 Q. Okay. And do you have a particular job
8 location where you do this work, or do you kind of
9 travel with these seven individuals to provide them
10 protection?

11 A. We travel sometimes in the state of California,
12 outside the state, and internationally, as well.

13 Q. Okay. And when did you start working in that
14 role?

15 A. In January of this year.

16 Q. So it's been about two months, give or take?

17 A. Yes, sir. Two months, give or take.

18 Q. Do you carry any type of weapon during that --
19 in that line of work?

20 A. Under some circumstances, I do, yes.

21 Q. But not routinely?

22 A. Not on every operation.

23 Q. Okay. It's sort of -- I don't want to get too
24 much into the, you know, secret details of this work,
25 but it's kind of on a case-by-case basis, more or less?

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1 A. Case-by-case. And sometimes private venues
2 don't allow weapons inside their venues, so we adhere to
3 their rules.

4 Q. Okay. Have you discharged a weapon in your
5 current position at any time?

6 MR. RAMIREZ: Objection as to relevance.

7 But you may respond "yes" or "no."

8 THE WITNESS: Other than in range training?

9 BY MR. LEVINE:

10 Q. Other than range training.

11 A. I have not.

12 Q. And then I think you said you were retired from
13 the Riverside Sheriff's Department; is that correct?

14 A. That's correct, sir.

15 Q. Okay. What was your rank on the date of this
16 incident?

17 A. I was a Sheriff's lieutenant.

18 Q. And did you have an assignment or position that
19 was separate from your rank at the time?

20 A. I was assigned to our special enforcement
21 bureau, and I was one of two lieutenants that oversaw
22 our emergency services team, which is our SWAT
23 personnel, our canine team, which includes not only
24 apprehension dogs, but it includes bloodhound or
25 tracking dogs, and then our bomb squad.

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1 Q. And were you the -- were Deputies Jimmie

2 McGuire and Sean Hubachek working with you on the date

3 of the incident?

4 A. They were, sir.

5 Q. Were they essentially a part of your team?

6 A. Yes.

7 Q. Were you their supervisor?

8 A. I'm their supervisor, but the sergeant is

9 generally under some circum- -- under most, not always,

10 but under most circumstances the team leader in charge

11 of tactics employed.

12 Q. As a lieutenant, were you senior to or a higher

13 rank than a sergeant?

14 A. Yes.

15 Q. So you essentially had some type of authority

16 over a sergeant as a higher-ranking deputy?

17 A. That is correct, sir.

18 Q. But despite you being the higher-ranking

19 deputy, the sergeant would have still been the team

20 leader; is that what you're saying?

21 A. Under most circumstances.

22 Q. How about under these circumstances?

23 A. Sergeant McFadden, which I'll sure we'll get to

24 later, he was actually leading the apprehension efforts

25 prior to the shooting.

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1 Q. Do you have any understanding as to whether

2 Sergeant Hubachek was a team leader during the incident?

3 A. He was assisting Sergeant McFadden as needed.

4 Q. And what did you understand your role to be as
5 lieutenant on scene during this incident?

6 A. Overall command, but also just additional
7 personnel on the ground.

8 Q. And I take it you probably graduated from high
9 school at some point?

10 A. I did, sir.

11 Q. Okay. And did you do any college after that?

12 A. I did some college in the Marine Corps and,
13 yes.

14 Q. Did you receive a college degree of any kind?

15 A. I did not.

16 Q. Do you know approximately how many years worth
17 of college you completed?

18 A. Probably close to four, with really no end
19 state.

20 Q. Understood. Did you go to the police academy
21 at some point?

22 A. I did, sir.

23 Q. Which police academy was that?

24 A. I went to the Sheriff -- Riverside Sheriff's
25 Academy.

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1 Q. Okay. And I won't ask you when that was, but
2 how long did you attend the police academy for?

3 A. It was about six months.

4 Q. Six months? Okay.

5 And after working in the academy, did you start
6 working at the jails for the Sheriff's Department?

7 A. That is correct.

8 Q. Do you know how long you worked in the jails
9 for, approximately?

10 A. About two years.

11 Q. And did you begin working patrol after
12 completing your approximately two years at the jails?

13 A. Yes, sir.

14 Q. All right.

15 So I'm going to move on to some questions about
16 this particular incident itself. I understand that the
17 incident in this case took place over the course of
18 possibly multiple hours, and I'm going focus the
19 questions that I'm going to go into now on kind of the
20 immediate lead-up to the deputy shooting, and also the
21 shooting itself.

22 Do you understand that?

23 A. Yes, sir.

24 Q. Okay. Is it your understanding that there were
25 two other sheriff's deputies on your team that fired

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1 **their weapons during this incident?**

2 A. Yes, sir.

3 **Q. Would that be Jimmie McGuire and Sean Hubachek?**

4 A. Yes, sir.

5 Q. Do you know how many shots each of those
6 deputies fired during this incident?

7 A. I can give you an approximate, but I don't know
8 the actual round count.

9 Q. Sure. An approximate is fine. Let's start
10 with Deputy McGuire.

11 A. Six to eight.

12 Q. And how about Deputy Hubachek?

13 A. One to two, maybe three.

14 Q. I'm sorry. I didn't --

15 A. Maybe three. One, two, or three, maybe, for
16 Hubachek.

17 Q. But you never, as part of any sort of
18 debriefing following this incident, gained specific
19 understanding as to exactly how many shots each of these
20 deputies fired?

21 A. I did not.

22 Q. During the incident, did you hear these shots
23 while they were being fired?

24 A. I did.

25 Q. Did you have any understanding as to whether

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1 each of these deputies' shots were fired as part of a
2 single volley or multiple volleys, separated by a period
3 of time in between?

4 MR. RAMIREZ: It's vague and ambiguous.
5 Compound.

6 But you may respond, if you understand.

7 THE WITNESS: To me, it sounded like two
8 independent volleys, with a very short amount of time
9 between the two.

10 BY MR. LEVINE:

11 Q. And maybe it will be helpful if I break it up
12 between the two deputies, because we're talking about
13 two people here.

14 I'll start with Deputy Hubachek. I know you --
15 I think you estimated that you thought he fired
16 somewhere in the range of one to three shots during the
17 incident.

18 Do I have that correct?

19 A. Yes, sir.

20 Q. And during the incident, you heard those
21 approximately one to three shots while they were being
22 fired; correct?

23 A. I did, but I couldn't discern if it was coming
24 from Deputy McGuire or Sergeant Hubachek, because of
25 their proximity to me.

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1 Q. Did the shots that you knew Deputy Hubachek was
2 firing, sort of overlap with at least some of the shots
3 that Deputy McGuire was firing, in terms of the time?

4 A. Yes, sir.

5 Q. Okay. And then after those shots were -- that
6 you heard Deputy Hubachek fire, was there another round
7 of shots some period of time after that, that one of the
8 deputies fired?

9 THE CERTIFIED STENOGRAPHER: Mr. Ramirez,
10 you're on mute.

11 MR. LEVINE: You're on mute. And it looks like
12 the lieutenant's Zoom is frozen, so we can't see or hear
13 him.

14 MR. RAMIREZ: There you are. Everybody's back
15 now.

16 THE WITNESS: We're back, sir.

17 BY MR. LEVINE:

18 Q. Did you hear my last question? I'm sorry.

19 A. I did not.

20 Q. Okay. I think we were talking about how there
21 were -- you heard some shots that you understand
22 Sergeant Hubachek to have fired, and those overlapped
23 with at least some of the shots that you understand
24 Deputy McGuire to have fired; is that correct?

25 A. That is correct.

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1 Q. And then after those shots that
2 Sergeant Hubachek fired, I'm wondering if there was
3 essentially a second round of shots that you heard or
4 saw Deputy McGuire fire shortly thereafter?

5 A. There was a second volley, and I knew -- I was
6 aware Deputy McGuire had fired, but I don't know if
7 Sergeant Hubachek also fired during the incident, during
8 that second volley.

9 Q. Okay. Thank you. That was partly what I was
10 getting at.

11 So it's your understanding that Deputy --
12 Sergeant Hubachek fired at least one volley and that
13 Deputy McGuire fired two volleys; is that correct?

14 A. That would be accurate, yes. Correct.

15 Q. Okay. You know that Deputy McGuire fired a
16 second volley, you just don't know whether
17 Sergeant Hubachek fired at that same time as well or
18 not; is that correct?

19 A. That is correct.

20 Q. Okay. Understood.

21 In the approximately -- I'm going to focus on
22 kind of the period, in my next few questions, leading up
23 to the first volley of shots that we talked about there.

24 In the approximately five to ten minutes prior
25 to the first shot that one of those two deputies fired,

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1 were you and your team essentially tracking Johnny Llamas
2 to try to take him into custody?

3 A. We were.

4 Q. Was there a helicopter overhead during that
5 approximate five- to ten-minute period, prior to the
6 first shot?

7 A. Yes.

8 Q. Were you -- during that approximate five- to
9 ten-minute period, prior to the first shot, were you
10 receiving broadcasts from the helicopter, regarding
11 Mr. Llamas's whereabouts and movements?

12 A. We were.

13 Q. Were you receiving those broadcasts over a
14 police radio that you had?

15 A. Yes, sir.

16 Q. Was that radio attached to your uniform or on
17 your person somewhere?

18 A. It was -- there's hearing -- there is a hearing
19 device attached to my helmet, like ear cups that it
20 comes through there.

21 Q. So you had essentially some kind of earpiece
22 that the broadcast is being piped into your ear through?

23 A. Yes.

24 Q. And so you're hearing any broadcasts that are
25 being made from the police helicopter as they're being

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1 made during that five- to ten-minute period?

2 A. Yes. I'm also hearing verbal announcements

3 from the helicopter, as well, because they have a PA --

4 an audible PA system on the helicopter where they can

5 make announcements to people on the ground.

6 Q. Okay. Are those verbal announcements separate

7 from the broadcasts that you're hearing?

8 A. They are.

9 Q. In other words, the broadcasts are directed

10 towards other law enforcement officers, whereas the

11 verbal announcements over the PA are directed to people

12 on the ground who may or may not be law enforcement

13 officers?

14 A. That is correct, sir.

15 Q. Okay. Was it your understanding that the --

16 well, let me back up.

17 During the five to ten minutes, approximately,

18 prior to the first shots being fired, did you distinctly

19 hear any of the PA broadcasts being made to the ground

20 from the helicopter?

21 A. I did.

22 Q. Could you tell if they were being directed

23 towards Mr. Llamas?

24 A. They were, sir.

25 Q. Okay. Were they essentially giving him

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1 directions or commands from the helicopter,

2 instructions?

3 A. Commands, directly to him, yes. Correct.

4 Q. Could you hear what some of those were?

5 A. Based on my distance, some of it I couldn't

6 discern, but then some of it was -- and I'm

7 paraphrasing, of course, just, "You need to put the

8 firearm down and surrender."

9 Q. Okay. And then I think we discussed that in
10 addition to hearing those PA broadcasts, you're also
11 hearing radio broadcasts through your earpiece, from
12 officers or deputies who are in the helicopter?

13 A. That is correct, sir.

14 Q. Okay. And are they essentially sort of
15 reporting Mr. Llamas's location to you and the other
16 deputies who are on ground via the radio?

17 A. They are. In addition, it's corroborated by
18 their positioning overhead, that you can see how they're
19 oriented then. Using all five senses to include hearing
20 and seeing, we could see the positioning of the
21 helicopter overhead, and then their directed
22 announcements, and then what's being broadcast via the
23 police radio.

24 Q. Okay. So you're saying that there were
25 multiple sources of information you had for where

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1 Mr. Llamas was at a given time during that five- to
2 ten-minute period, both from what you're hearing over
3 the radio as well as seeing the location of the
4 helicopter overhead?

5 A. Correct.

6 Q. Just focusing on the information right now that
7 you were getting over the police radio as opposed to the
8 location of the helicopter, were you essentially being
9 told over the radio that Mr. Llamas was proceeding
10 northward in the direction of a street called
11 River Road?

12 A. He was. That was part of his direction of
13 travel, yes.

14 Q. Okay. Was there some other separate part of
15 his direction of travel, prior to him reaching
16 River Road to the south, during that five- to ten-minute
17 period?

18 A. He was initially fleeing through -- this was a
19 large open space, an open field, essentially open field,
20 but there were structures on it. He was fleeing
21 eastbound; and then it was more northeast; and then it
22 was more oriented north, towards River Road.

23 Q. Okay. Understood.

24 During the period where he started proceeding
25 northeast and then northward towards River Road, was

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1 there a period of time during that period where you're
2 hearing broadcasts about his movement and locations, but
3 you're not able to personally see him, yourself?

4 A. That is correct, sir.

5 Q. Okay. And then during that time when he's
6 proceeding northeast and then northward toward
7 River Road, but you can't personally see him, were you
8 told by any radio broadcasts that deputies in the
9 helicopter saw Mr. Llamas holding a gun to his own head?

10 A. Correct. And I believe -- I'm not sure if some
11 of that radio traffic was coming from the deputies that
12 were further east on River Road. I'm not sure what they
13 could see at the moment, but I'm not -- I'm not sure --
14 I'm not sure if that broadcast came -- it was a
15 combination of broadcasts that came from the helicopter
16 and others, as well.

17 Q. I understand. But either way, there's a period
18 of time while he's heading northward towards River Road,
19 where you can't, yourself, see him, but you're receiving
20 information that he's moving northward and holding a gun
21 to his head?

22 A. Yes.

23 Q. During that time --

24 (Reporter clarification.)

25 BY MR. LEVINE:

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1 Q. During that time before you saw him, while
2 you're receiving this information that he is moving
3 northward toward River Road, did you receive any
4 information as to which hand he was holding the gun
5 with, as he pointed it to his head?

6 A. I don't recall that descriptive of what hand it
7 was in, but it was -- it wasn't -- the radio reports
8 also indicated that the gun wasn't always oriented
9 towards his head, but he was in -- just in possession of
10 the weapon.

11 Q. So before you saw him, you were receiving
12 information that at least part of the time he was
13 holding the gun to his head, but may have been orienting
14 it in other directions, too?

15 A. Correct.

16 Q. And at some point around when you were hearing
17 this information, did you and some of the other deputies
18 take a position on a portion of River Road, itself, that
19 ran from east to west?

20 A. We did. We positioned ourselves west of where
21 he was.

22 Q. Was there essentially -- at some point while
23 he's moving north, did you have information that he was
24 moving along a driveway that ran from south to north,
25 toward River Road?

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1 A. Yes.

2 Q. Was your understanding that driveway was
3 essentially perpendicular to River Road?

4 A. Yes, sir.

5 Q. And so you're saying that the position that you
6 and some of the other deputies took on River Road was
7 somewhere to the west of where that driveway would have
8 intersected with River Road; is that right?

9 A. Yes.

10 Q. Do you have a time estimate for approximately
11 how long before the first shot was fired it was, that
12 you took that position to the west of the driveway on
13 River Road?

14 MR. RAMIREZ: Vague and ambiguous as to time.

15 But if you understand, you may respond.

16 THE WITNESS: Probably by the time we actually
17 got on River Road and stopped and exited our vehicles, it
18 was probably five minutes or less until the
19 deputy-involved shooting occurred.

20 BY MR. LEVINE:

21 Q. And at the time that -- were you in a vehicle
22 when you arrived at that position?

23 A. I was, sir.

24 Q. Did you get out of that vehicle or exit that
25 vehicle pretty soon after stopping in that position in

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1 your vehicle?

2 A. I did.

3 Q. And when you stepped out of the vehicle, could
4 you see Mr. Llamas at that time?

5 A. Not at that very moment. And we positioned
6 ourselves along the north curb line to maximize our
7 visual acquisition of the mouth of that driveway.

8 Q. When you're standing there just after you've
9 exited your vehicle, are you more or less facing to the
10 east?

11 A. Yes, sir.

12 Q. And then at some point while you're positioned
13 there facing to the east, sort of in the direction of
14 that driveway that runs south to north towards
15 River Road, at some point did Mr. Llamas come into view
16 for you?

17 A. He did.

18 Q. Do you have a time estimate for how long it was
19 between the time you stopped and exited your vehicle and
20 when Mr. Llamas came into view from the south?

21 A. My best estimate is probably within a minute.
22 Within a minute or two, tops.

23 Q. Do you, for example, have any estimate as to
24 whether it was more or less than 30 seconds?

25 A. It may have been that short of a timeframe

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1 before he came into view.

2 Q. And when Mr. Llamas came into view, did you see
3 him proceeding north from that driveway that was to the
4 south of River Road?

5 A. I did.

6 Q. And was he essentially moving north at that
7 time when you saw him come into view?

8 A. North, across River View [sic], from the south
9 curb line to the north curb line.

10 Q. Okay. But just to clarify, I thought I heard
11 you say "River View" right there. Is the street called
12 "River Road" or "River View"?

13 A. River Road. I'm sorry.

14 Q. That's okay. I just want to make sure for the
15 record that we have it straight.

16 And then just jumping ahead a little bit, when
17 the deputy-involved shooting occurred, do you know what
18 the actual address was of the property where that took
19 place?

20 A. I do not.

21 Q. Okay. Do you know if it was at 22240
22 River Road? Does that ring a bell for you, one way or
23 the other?

24 A. That does sound -- that does sound accurate.

25 Q. Okay. Just one moment here.

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1 Just to kind of help get on the same page, I'm
2 going to show an image on my computer here.

3 Can you see this image?

4 A. I can, sir.

5 Q. Does this appear to be a Google maps overhead
6 view of the incident location?

7 A. It does, sir.

8 Q. Okay. And do you see what's marked as -- a
9 street that's labeled as "River Road," running from east
10 to west, along sort of the bottom third of this image?

11 A. I do, sir.

12 Q. Okay. And then do you see running from south
13 to north, to the south of River Road, a driveway in the
14 bottom third of this image?

15 A. I do, sir.

16 Q. Does that appear to be the driveway that
17 Mr. Llamas was coming from when he first came into view
18 for you while you were positioned on River Road?

19 A. I believe so.

20 Q. And then, essentially, directly across
21 River Road, from the mouth of that southern driveway,
22 does there appear to be another driveway to the north of
23 River Road?

24 A. There does.

25 Q. And does that driveway -- is it your

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1 understanding that driveway is part of the property on
2 which the deputy shooting occurred during this incident?

3 A. It looks like the property, yes.

4 Q. Okay. Do you see where, towards the top of
5 this image, at least Google has labeled this property as
6 being at the address 22240 River Road?

7 A. I see that, yes.

8 Q. Okay. Do you have any reason to doubt the
9 accuracy that that is the address?

10 A. I do not, sir.

11 Q. Okay. You just don't have any independent
12 knowledge to confirm or deny that that's the correct
13 address?

14 A. It sounds correct, but I can't be absolutely
15 certain.

16 Q. Okay. All right.

17 And just -- I'll go ahead and mark this
18 overhead image as Exhibit 1.

19 (Exhibit Number 1 was marked.)

20 BY MR. LEVINE:

21 Q. I don't know that this is particularly
22 important. I just wanted to make sure we're kind of on
23 the same page talking about the geography here, and I
24 thought this may be the easiest way to do it.

25 Okay. So -- one moment here.

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1 At the time that you were positioned on
2 River Road facing east, to the west of where those
3 driveways were, did you have any understanding as to
4 whether there were any residents on the property that was
5 on the north side of the street there, at what we've just
6 discussed was 22240 River Road?

7 A. I believe there was a discussion earlier that
8 one of the deputies -- I don't remember if it was
9 Deputy McGuire, prior to the incident, the actual
10 shooting, had discussed that he saw a residence at that
11 location.

12 It was discussed. I just don't recall if it
13 was Deputy McGuire or another source. And then at some
14 point, we actually had a visual acquisition of residents
15 at that location.

16 Q. I'm just going to break that up a little bit.

17 You mentioned that you heard -- or prior to
18 yourself getting a visual, that you heard at some point
19 one of the other deputies -- you don't know who -- say
20 that he or she had seen individuals at that property.
21 Do you know how long prior to the shooting it was that
22 that visual contact had been made?

23 A. If I had to guess, it was probably,
24 approximately an hour before, maybe an hour and a half,
25 when the incident was early on.

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1 Q. Did the deputy who relayed this information to
2 you say anything about whether he or she had had any
3 communications with the individuals who were observed on
4 the property at that time?

5 A. I don't recall if they ever had a conversation
6 with those individuals.

7 Q. Okay. So your knowledge, as far as you know,
8 essentially, the deputy, whoever it was, saw some
9 individuals, but didn't necessarily say anything to them
10 or hear them say anything to the deputy?

11 A. They may have. I just don't recall that part
12 of the conversation.

13 Q. Okay. When Mr. Llamas was approaching
14 River Road from the south and when he first came into
15 your view, was it your understanding that he was moving
16 northward along that driveway that we discussed that
17 runs south to north, to the south of River Road?

18 A. That is correct, sir.

19 Q. And then when you first saw him, could you tell
20 if he was still on that driveway or if he had already
21 stepped out onto River Road itself?

22 A. I believe when we first saw him, his -- a
23 portion of that driveway isn't visible. More or less
24 than the last 1 percent of that driveway as it
25 intersects with the asphalt is visual -- is -- is -- you

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1 can see it or view it from our position. So it's just a
2 very small portion that you can't view.

3 Q. Right. I guess what I'm wondering is, when you
4 first saw Mr. Llamas, could you tell if he was still on
5 the driveway versus on River Road, itself?

6 A. I believe that he was in the driveway, but the
7 last -- it had to be the last 5 or 10 feet of that
8 driveway.

9 Q. Okay. So 5 or 10 feet away from the road, you
10 mean?

11 A. Give or take, yes.

12 Q. And then when you first saw him at that time,
13 approximately how far away was he from you?

14 A. Probably 30 to 40 yards, 50 tops, yards away.

15 Q. And at the time he first came into your view on
16 River Road there, where were Deputies McGuire and
17 Hubachek relative to your position?

18 A. They were -- I don't recall who was to my left
19 or to my right, but they were nearby with their patrol
20 cars, very close to me.

21 Q. Would you estimate that they were essentially
22 the same distance away from Mr. Llamas at that time,
23 more or less?

24 A. As I was?

25 Q. As you were, yes.

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1 A. Yes.

2 Q. At any time prior to you seeing Mr. Llamas come
3 from the south, onto that driveway and then onto
4 River Road, did you have any information that he had
5 pointed a firearm at any person that day?

6 A. Prior to seeing him?

7 Q. Prior to seeing him, while you were on
8 River Road there.

9 A. To my knowledge, he shot a police dog, but I
10 couldn't tell you if the -- his intentions were to shoot
11 us and the police dog got in the way. I don't know the
12 answer to that question, because we couldn't see him at
13 that point when that incident occurred, prior to the
14 actual deputy-involved shooting.

15 Q. Okay. I guess I'm just wondering whether you
16 had information that he had pointed a firearm at any
17 human at any time that day before you saw him step out
18 onto River Road?

19 A. That includes law enforcement, as well, I'm
20 assuming?

21 Q. I think of law enforcement as humans, so, yes.

22 MR. RAMIREZ: I kind of like to think so.

23 THE WITNESS: Yeah.

24 BY MR. LEVINE:

25 Q. Certainly.

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1 A. I can only assume that he did, based on dog
2 positioning, and when he fired his weapon, and based on
3 the sound of that -- that -- when we heard the gunfire.

4 Q. When you heard that shot, could you see him?

5 A. I could not see him.

6 Q. Could you see his gun when you heard that shot?

7 A. I could not see his gun.

8 Q. Did you hear the shot, like, whistle past your
9 ear or anything like that?

10 A. It did whistle past us.

11 Q. Do you have any sense of how far away the shot
12 traveled past you? In other words, whether it was, you
13 know, 1 inch away from you versus 20 or more feet away
14 from you?

15 A. I don't know.

16 Q. Okay. So would it be fair to say that you
17 don't -- you didn't know at that time whether, in firing
18 that shot, he had pointed his gun at an officer, a human
19 officer?

20 A. Based -- I was basing that on not only sound,
21 but the direction the dog entered the tree line. So the
22 dog was entering from the direction we were looking.

23 So looking at this with, like, some -- I was
24 deduct- -- I was using deductive reasoning, thinking of
25 the dog, from our direction, and based on the sound

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1 rapport from the gunfire, it appeared to be coming in
2 our direction.

3 Q. Okay. But so you -- based on just what you saw
4 and heard, you didn't know for sure whether he was
5 aiming the gun at any human at that time?

6 A. That's fair. Yes, sir.

7 Q. Was it -- did you gain some understanding at
8 that time or shortly after that the -- a police dog had
9 been shot?

10 A. Back to when we heard the gunfire?

11 Q. Yes.

12 A. We suspected it.

13 Q. Okay. When you were suspecting that the police
14 dog had been shot at that time -- and I realize this is
15 prior to the officer shooting that we've been
16 discussing -- was it -- did you form the impression that
17 he had been aiming his shot at the dog?

18 A. I hadn't formed that impression. It was either
19 he was attempting to shoot us and the dog got in the
20 line of fire, or he was intentionally shooting just the
21 dog. I don't know the answer to that question.

22 Q. Okay. You didn't have any kind of hunch, or
23 anything like that, as to whether he was aiming at the
24 dog at that time?

25 A. I suspected that the dog got in the way his of

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1 line of fire; because when the dog entered the brush
2 line, it was within fractions of a second we heard the
3 gunfire. So he could have been oriented towards the gun
4 and oriented towards us with the dog getting in the way.

5 Q. Okay. So as of the time that -- back, you
6 know -- fast forwarding again to while we're on
7 River Road, as of the time that you saw Mr. Llamas step
8 out from the south onto River Road, besides this
9 circumstance with the dog, where you thought it was
10 possible that he had pointed his weapon at an officer,
11 or something along those lines, do you have any other
12 information besides that that he had pointed his weapon
13 at any human being that day -- other than himself? I'm
14 sorry.

15 A. I did not, sir.

16 MR. LEVINE: Okay. All right. We've been
17 going for about an hour, so I think it might be a good
18 time for our first break. Would ten minutes be all
19 right for everybody?

20 THE CERTIFIED STENOGRAPHER: Yes.

21 MR. LEVINE: Okay. Thank you. All right we'll
22 come back in ten minutes and we can go off the record.

23 (Break taken.)

24 BY MR. LEVINE:

25 Q. All right. So I think the last question I

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1 asked you before the break was about the period of time
2 leading up to when Mr. Llamas first came into your view
3 from the south while you were on River Road.

4 Do you recall that?

5 A. I do, sir.

6 Q. So relatedly, at any time before you saw
7 Mr. Llamas come onto River Road from the south, while
8 you were positioned to the west on River Road, did you
9 have information that Mr. Llamas had verbally threatened
10 to harm anybody that day?

11 A. I did not have any information.

12 Q. And at that time, did you have any information
13 that Mr. Llamas had physically harmed any human that
14 day?

15 A. That day? No.

16 Q. After Mr. Llamas stepped out from the south
17 onto River Road, did he essentially continue northward,
18 going across River Road, towards the property to the
19 north of the road, that we discussed earlier?

20 A. Yes.

21 Q. And at some point did he then move from the
22 road onto the driveway of that property to the north?

23 A. He did.

24 Q. And was there a point, soon after he crossed
25 from River Road onto the property to the north, where

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1 you lost sight of him again?

2 A. I did.

3 Q. So I'm just sort of focused on -- in my next
4 few questions, on the period of time from when you first
5 saw him come out from the south onto the driveway, right
6 to the south of River Road, until the time he crossed
7 and you lost sight of him to the north again.

8 Do you have that sort of interval in your mind?

9 A. I do.

10 Q. All right. So during that period, could you
11 see if Mr. Llamas was holding a gun?

12 A. I could.

13 Q. Could you see with which hand he was holding it
14 during that time?

15 A. It appeared to be the right hand.

16 Q. Was his -- given that you were to the west of
17 him and he was moving from the south to the north, was
18 his left side essentially facing you or exposed to you?

19 A. It was, but he was posturing slightly different
20 as he crossed and traversed across the roadway, so I
21 could see the firearm in the other hand.

22 Q. Okay. I see. Does that refresh your
23 recollection as to he was holding it in his right hand?
24 In other words, the hand that was on the other side of
25 his torso from where you were?

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1 A. Yes.

2 Q. Could you see, during that time, whether he was
3 holding a gun to his head?

4 A. At times, it did appear that he was holding the
5 gun to his head.

6 Q. During that time, did you see him take the gun
7 away from his head at any point?

8 A. I saw, more or less, the gun -- not necessarily
9 take the muzzle away from his head, but drop his elbow,
10 supporting the firearm, so the firearm was more pointed
11 in an upward trajectory -- in an upward direction, if
12 that makes sense?

13 Q. I think so. But was it your impression that
14 when he dropped his elbow like that, that the muzzle of
15 the firearm was still pointed generally towards his own
16 head?

17 A. Based on my distance, yes, and what I could
18 see.

19 Q. So, in other words, he continued to point -- as
20 it appeared to you, he continued to point the muzzle of
21 the gun towards his own head, from the time you first
22 saw him at the south side of the road near the driveway,
23 until the time you lost sight of him again to the north?

24 A. Yes.

25 Q. And so during that period, you didn't see him

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1 point the gun at any other person besides himself;
2 correct?

3 A. Correct.

4 Q. During that period, did you hear him say
5 anything?

6 A. I did not hear him say anything.

7 Q. And, I'm sorry, you might have said this
8 already, but did you have an estimate for how far away
9 he was from you during that period, approximately?

10 A. I believe somewhere between 30 and 50 yards, if
11 I had to guess, approximately.

12 Q. And given the distance -- I know you said just
13 now that you didn't hear him say anything during that
14 time. Did you see whether he appeared to be speaking at
15 all during that time?

16 A. I couldn't tell if he was speaking. There was
17 a lot of ambient noise at that point.

18 Q. Right. That's part of why I'm asking if you
19 could see -- could you see his mouth moving as though he
20 was speaking during that time?

21 A. I couldn't see his mouth moving.

22 Q. Okay. Could you see whether his mouth remained
23 closed during that time?

24 A. Honestly, I don't recall if it was open or
25 closed.

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1 Q. When you saw him during that period holding the
2 gun to his head, did you know whether or not he was
3 suicidal?

4 MR. RAMIREZ: May call for speculation, and
5 lacks foundation. May call for a medical opinion.

6 But you may respond.

7 THE WITNESS: I don't recall if he was
8 suicidal, if that was your question.

9 BY MR. LEVINE:

10 Q. I guess I'm asking whether you had any
11 knowledge as to whether he was suicidal or not at the
12 time?

13 MR. RAMIREZ: Same objections as before.

14 But you may respond, if you can.

15 THE WITNESS: Other than pointing the firearm
16 towards his own body, that would be our only indication
17 that he is potentially suicidal, or doing that to provide
18 a delay.

19 BY MR. LEVINE:

20 Q. Right. So it was at least a possibility in
21 your mind?

22 A. It was possible, yes.

23 Q. But you didn't know for certain, one way or the
24 other?

25 A. That's correct.

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1 Q. During the period of time when he's crossing
2 from the south end of River Road to the north and onto
3 the driveway where you lost sight of him, was the
4 distance between you and him essentially the same
5 throughout that period?

6 A. Yes, sir.

7 Q. In other words, he didn't move dramatically any
8 distance further away from you or closer to you during
9 that period?

10 A. That is correct.

11 Q. Do you have a time estimate for how long it --
12 how much time passed from when you first saw him
13 stepping out from that southern driveway onto River Road
14 until the time that you lost the visual of him again as
15 he went north onto the property, north of River Road?

16 A. A minute, maybe less.

17 Q. Okay. So as long as -- up to 60 seconds?

18 A. It may be slightly longer than 60, but I
19 believe it was less.

20 Q. During that period, that interval from when you
21 first saw him to the south and when you lost sight of
22 him again to the north, did you hear Deputies McGuire or
23 Hubachek issue any verbal commands to Mr. Llamas?

24 A. I don't recall them issuing verbal commands.

25 Q. Did you hear them say anything else besides

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1 verbal commands directed to Mr. Llamas?

2 A. Not directed to Mr. Llamas, but internal
3 discussion amongst the three of us.

4 Q. At that time, did you have any understanding as
5 to what language or languages Mr. Llamas spoke or
6 understood?

7 A. Yes.

8 Q. What was your understanding?

9 A. He spoke English.

10 Q. Did you have some prior information from some
11 source, other than Mr. Llamas, that led you to
12 understand that he spoke English?

13 A. Yes.

14 Q. What generally was that source of information,
15 if you recall?

16 A. He was being sought by our Sergeant McFadden
17 and his fugitive team. And prior to actually searching
18 the property and when they first contacted him, the
19 suspect, it was discussed what language -- Does he speak
20 English? Is he speaking fluently? Et cetera. And it
21 was briefed that he did.

22 Q. When you say, "It was discussed," discussed by
23 whom?

24 A. Sergeant McFadden and his team that was seeking
25 the apprehension, that was leading the apprehension

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1 efforts. They briefed us on the plan -- the tactile
2 plan. And in addition to that, if we do make commands
3 or make contact, does he speak English?

4 Q. So the source of information you had for
5 Mr. Llamas speaking English was Sergeant McFadden?

6 A. And his case agent, I believe Deputy Devine.

7 Q. Okay. Had you ever heard Mr. Llamas speak
8 prior to seeing him there on River Road?

9 A. I had not.

10 Q. And then, so we discussed at some point, I
11 think you said that Mr. Llamas crossed River Road and
12 went -- proceeded northwards, and you lost sight of him;
13 is that correct?

14 A. That's correct.

15 Q. Was it your understanding at that time that he
16 had moved onto that property that was to the north of
17 River Road at -- I think it was 22240?

18 A. That is correct.

19 Q. And at that point, did you and the other
20 deputies you were with move up closer to the driveway
21 leading onto that property?

22 A. We did.

23 Q. Did the three of you move up together, more or
24 less?

25 A. Yes, sir.

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1 Q. Were you -- when you covered that distance from

2 where you had positioned to get closer to the driveway

3 to the north, were you in your vehicle or on foot?

4 A. I was in my vehicle.

5 Q. How about Deputies McGuire and Hubachek; were

6 they on foot or in a vehicle?

7 A. Sergeant Hubachek and Deputy McGuire were

8 on-foot.

9 Q. Okay. Were they more or less keeping pace with

10 you in covering that distance while you were in your

11 vehicle and they were on foot?

12 A. Yes. I was more or less keeping pace with

13 them.

14 Q. Okay. You didn't want to speed off and leave

15 them eating your dust?

16 A. No, sir.

17 Q. And then when you -- when -- at some point you

18 stopped your vehicle again, I take it?

19 A. Yes, sir.

20 Q. Were you pretty much at the level of the

21 driveway when you stopped?

22 (Reporter clarification.)

23 THE WITNESS: The driveway to the north. I did

24 pull my vehicle into a portion of the mouth of the

25 driveway.

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1 BY MR. LEVINE:

2 Q. Okay. So did you make something of a partial
3 left turn, then, so that you're partially in the mouth
4 of the driveway? Is that accurate?

5 A. Yes, sir.

6 Q. So would your vehicle, then, have been facing
7 essentially to the northeast, more or less, at that
8 time?

9 A. That would be accurate, yes.

10 Q. Okay. When you stopped your vehicle there, did
11 you exit the vehicle again?

12 A. I did.

13 Q. At the time you exited your vehicle, did you
14 regain sight of Mr. Llamas to the north?

15 A. I did.

16 Q. Was that while you were still in your vehicle
17 or after he stepped out that you saw him again for the
18 first time?

19 A. It was after I stepped out and regained visual
20 acquisition, after losing him entering the property.

21 Q. Do you have a time estimate for how much time
22 passed between when you lost sight of him, when he
23 proceeded northward onto that property, until you
24 regained sight of him after stepping out of your
25 vehicle, after you drove forward?

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1 A. I would say approximately 30 seconds, give or
2 take.

3 Q. And then after you stepped out of your vehicle
4 again, near the mouth of that driveway, to the north,
5 and regained a visual of Mr. Llamas, how far away was he
6 from you?

7 A. About 40 or 50 yards.

8 Q. Would you say that it was a comparable distance
9 to how far away he had been from you when you had been
10 further to the west on River Road and first saw him come
11 out from the driveway to the south?

12 A. Similar, yes.

13 Q. Do you have any -- scratch that.

14 When you saw him to the north again after you
15 exited your vehicle at that driveway, could you see the
16 gun?

17 A. I could see the firearm, yes.

18 Q. Was he still holding it in his hand?

19 A. Yes.

20 Q. Was he still holding it in his right hand?

21 A. It appeared so, yes.

22 Q. Was he still holding it to his head?

23 A. No, sir.

24 Q. How was he holding it?

25 A. Well, as he was running -- because he was

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1 moving, the pistol was -- this is just prior to the
2 deputy-involved shooting. The pistol was moving in more
3 or less three dimensions, including pointing -- at some
4 point, it looked like it was pointing up towards the
5 helicopter, towards the people that were occupying the
6 residence at 22240, potentially oriented towards us, the
7 three of us. And then there were deputies to the east
8 of the mouth of that driveway on River Road. And at
9 some point, it even appeared it may have be oriented in
10 the their general direction.

11 Q. So my question is just really about when you
12 first -- that moment when you first saw him again, after
13 you stepped out the your vehicle and regained visual
14 contact.

15 Do you have that moment in mind?

16 A. I do.

17 Q. And at that time, could you tell how the
18 firearm was positioned in his hand?

19 A. It looked like it was in his right hand. And
20 again, he was moving -- moving with -- moving fast, like
21 he had a purpose, and that firearm was -- in fractions
22 of a second, the muzzle was passing people near the
23 residence, coming in our general direction, moving
24 towards the sky above.

25 Just as he was moving and driving his arms,

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1 what his intention was, I don't know, but...

2 All that happened very, very fast, as you can
3 imagine, in moving fast.

4 Q. How much time passed from when you first
5 regained the visual of Mr. Llamas again, to the north of
6 River Road, and when the first shot was fired by a
7 deputy?

8 A. Probably under ten seconds by the time I saw
9 him, more or less --

10 (Simultaneous speakers.)

11 BY MR. LEVINE:

12 Q. I'm sorry.

13 A. More or less. I'm sorry.

14 Q. During that period between when you regained a
15 visual of Mr. Llamas and the first deputy's shot was
16 fired, do you at any time see him holding the gun to his
17 head?

18 A. I did not.

19 Q. So during that approximately ten seconds, the
20 gun was in -- you saw the gun positioned in lots of
21 different ways, besides being held to his head, but you
22 did not see it held to his head?

23 A. That is correct.

24 Q. Did you feel at the time that you had a
25 relatively clear view of Mr. Llamas and of the gun?

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1 A. I did.

2 Q. When you first saw Mr. Llamas after regaining a
3 visual of him while he's on that driveway, was his back
4 towards you?

5 A. A portion of it, more or less; his oblique.

6 Q. Could you explain what you mean? Was it the
7 left or right oblique, for example?

8 A. It appeared to be, like, the left oblique, as
9 like, he was as he was rotating his torso towards --
10 starting from the north, rotating it towards the west,
11 and then rotating it towards the south.

12 Q. So he appeared to be turning left?

13 A. Turning his torso. Not necessarily his hips,
14 but his torso.

15 Q. His torso?

16 A. Or a portion of his flank.

17 Q. How about his hips? Were his hips facing more
18 or less to the north still?

19 A. His hips -- based on the way that driveway
20 slightly curves, it was -- his hips appeared to be
21 oriented towards the north, northeast and northwest.

22 Q. So his hips were continuing to be oriented up
23 the driveway; is that accurate?

24 A. I'm sorry. I'm sorry. Yes.

25 Q. And were -- how about his legs? Did he -- were

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1 his legs -- was he still moving forward up the driveway,
2 walking, or trotting, or however you put it?

3 A. Running. And, yes, up the driveway.

4 Q. Okay. So it was his torso and upward that
5 appeared to be turning to the left at that time?

6 A. Yes, sir.

7 Q. And then after seeing him -- as you saw him
8 turn to the left, turn his torso to the left, did you
9 see him, like, look over his shoulder with his head?

10 A. He appeared to be -- yes. It appeared to be he
11 was looking -- not necessarily completely over his
12 shoulder, but over a portion of his shoulder --

13 Q. In addition to turning his torso to the left,
14 he turned his head to the left, too?

15 A. Looking to move his head to the left. And I'm
16 not sure if he was looking for us in the helicopter or
17 both.

18 Q. Did you see him look up at that time?

19 A. Not necessarily his head moving up, but I
20 couldn't tell you if his eyes were moving up, based on
21 the distance we were at.

22 Q. Did you see his face at that time?

23 A. Saw glimpses of it, because the lighting and
24 distance. But I did see portions of his face -- like,
25 the left side -- sorry -- the left side of his face.

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1 Q. When you saw the left side of his face, was it
2 kind of in profile, like you're seeing the left side of
3 his only?

4 A. Generally, yes, the profile of it, the left
5 side.

6 Q. At any the between when you first regained the
7 visual of Mr. Llamas again, to the north of River Road
8 and when the first shot was fired, could you ever see
9 enough of his face that you could see both of his eyes?

10 A. I don't recall seeing both of his eyes or a
11 portion of it.

12 Q. And then you've been describing how when you
13 first saw him after regaining the visual of him, his
14 hips and legs were oriented up the driveway still, to
15 the north or northeast, and he's kind of turning his
16 torso and shoulders and head to the left.

17 After you saw him turning his torso and
18 shoulders that way, did you ever see him then turn back
19 to face forward again, prior to the shots being -- the
20 first round of shots being fired?

21 A. I don't recall his torso reorienting towards
22 the north. His hips and his legs were, because he was
23 moving in that direction. But you can only turn so far
24 to the left with the torso when the hips are driving in
25 another direction.

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1 But I don't recall him trying to reset and
2 almost position his entire body going north again.

3 Q. So was he essentially still in that position
4 where his hips are facing forwards, but his torso, head,
5 and shoulders are turned to left when the first deputy's
6 shot was fired?

7 A. Turned or turning to the left.

8 Q. Okay. But I guess part of what I'm asking,
9 too, is there was a single position. So essentially
10 you're saying that when you regained a visual of
11 Mr. Llamas to the north, he is already in the process of
12 starting to turn to the left, and he's still in that
13 left turning motion when the first shots are fired;
14 correct?

15 A. That's the best of my recollection, yes.

16 Q. Okay. And during that period between when you
17 first regained a visual of him and heard the first
18 deputy's shots fired, you never saw a gun held to his
19 own head during that time; correct?

20 A. Correct.

21 Q. And, in fact, you could tell that the gun was
22 not to his head at any point during that time; correct?

23 A. Yes, that is correct.

24 Q. When the first shot from a deputy was fired at
25 that time, could you tell which deputy it was who fired

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1 **that first shot, McGuire or Hubachek?**

2 A. My best estimate would have been
3 Sergeant Hubachek, because he was -- Deputy McGuire was
4 to my left and Sergeant Hubachek was to his left.

5 Q. Okay. And let me ask you about that.

6 So when you stepped out of your vehicle again,
7 just -- and then regained a visual of Mr. Llamas as he's
8 proceeding north on that property to the north of
9 River Road, what's the -- what are the positions of the
10 other deputies relative to you? Are you basically kind
11 of a in a line, left to -- right to left, or describe
12 that for me, if you would?

13 A. As I get out of my vehicle, they're more or
14 less oriented to the left of my left headlight, with --
15 in line with one another, almost not quite shoulder to
16 shoulder, but their shoulders are in line with one
17 another.

18 And Sergeant Hubachek is to the left as I'm
19 looking at them. I'm looking at their backs now, and
20 Deputy McGuire is to his right. And I positioned myself
21 to the right of Deputy McGuire, putting McGuire to my
22 left and Hubachek to his left.

23 Q. Okay. So after you positioned yourself to the
24 right of Deputy McGuire, the three of you are basically
25 in a line of the three of you, where you're on the

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1 right, and then to your left is McGuire, and to his left
2 is Hubachek; is that correct?

3 A. Correct, sir.

4 Q. And when the first shot was fired by one of
5 those deputies, were you already in that position in a
6 line there, where you're to the right of Deputy McGuire?

7 A. I believe I was just getting to my -- for lack
8 of a better term -- position, to Deputy McGuire's right
9 when that shot -- when the shots began.

10 Q. Okay. But you could -- you still had a visual
11 of Mr. Llamas throughout that time, when you're moving
12 from behind the two officers to that position to the
13 right of Deputy McGuire?

14 A. My truck was slightly to their right. So as I
15 exited my vehicle, as we were discussing, I exited --
16 when I exited, they weren't necessarily obstructing my
17 view, because of my vehicle positioning versus their
18 positioning. But to get to their right, I had to move
19 slightly right of them, because now we were standing in
20 front of -- essentially standing in front of my truck,
21 or at least the left portion of it.

22 Q. Right. I understand that. I guess I'm just
23 asking whether during that time when you're getting into
24 that position to the right of Deputy McGuire, and that
25 sort of line we discussed, while you're moving into that

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1 position, are you maintaining visual contact of
2 Mr. Llamas throughout that time?

3 A. Yes, sir.

4 Q. And that's the same time as we discussed where
5 you're describing seeing the -- him pointing the gun in
6 various directions and turning his torso and shoulders
7 and head towards the left?

8 A. Yes, sir.

9 Q. And when the first shot was fired, how far away
10 was Mr. Llamas from where you and the other deputies
11 were?

12 A. 40 to 50 yards.

13 Q. And when that first shot was fired, was
14 Mr. Llamas still kind of twisted in that left position
15 where his torso and shoulders and head are facing to the
16 left?

17 A. That's what I saw; yes, sir.

18 Q. If -- thinking about, like, the hands on a
19 clock, where if Mr. Llamas was facing the exact same
20 direction you were, such that his head -- the back of
21 his head was exposed to you, and that would be 12:00
22 o'clock, what position on the clock was his head angled
23 at when the first shot was fired?

24 A. To the best of my recollection, it was probably
25 oriented towards 9:00, 10:00 o'clock.

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1 Q. Okay. So either directly to his left or
2 slightly forward, relative to that?

3 A. Yes.

4 Q. Okay. At the time that first shot was fired,
5 did you know whether there were any people to
6 Mr. Llamas's left?

7 A. When that first -- well, we had knowledge, that
8 we previously discussed, that there were residents at
9 that home. And then once the subject was -- these
10 folks -- once the subject was down and we could expand
11 our visual acuity of the entire field in front of us,
12 you could see the folks outside their home.

13 Q. So you saw them there after all the shots were
14 fired?

15 A. That would be fair to say.

16 Q. And I think you said earlier that there was a
17 period of approximately one hour from when you had first
18 heard that there were people seen there until the
19 shooting; is that accurate?

20 A. I believe you're talking hour, hour and a half,
21 somewhere in there.

22 Q. Hour, hour and a half? Okay.

23 Did you -- during that interval of an hour or
24 an hour and a half when you got that information and
25 when the shooting occurred, did you gain any information

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1 as to whether they were still on the property or had
2 left the property, those people?

3 A. I did not have information either way, whether
4 they had left the property or whether they were still
5 present.

6 Q. Or whether they had remained on the property,
7 but moved to a different location on the property?

8 A. That's correct.

9 Q. And I think you said that you thought that the
10 first shot was fired by Deputy Hubachek; is that
11 correct?

12 A. Sergeant Hubachek, yes. I believe he was the
13 first.

14 Q. Excuse me. Sergeant Hubachek.

15 And I think you said that that was because he
16 was opposite Deputy McGuire from you, and so was a
17 little further away. Is that accurate?

18 A. Based on the audio or the report of the rifle.

19 Q. In other words, you formed that impression
20 because it sounded like -- the sounds of the rapport of
21 his rifle was a little further away than the rapport
22 would have been if it was coming from Deputy McGuire's
23 rifle?

24 A. Yes, sir.

25 Q. Okay. Did you hear -- within a few seconds of

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1 that first shot, did you hear Deputy McGuire begin to
2 fire, as well?

3 A. Yes, sir.

4 Q. Do you know whether he fired after
5 Sergeant Hubachek or whether there was an overlap
6 between Sergeant Hubachek's shots and Deputy McGuire's
7 first volley of shots?

8 A. There possibly could have been a slight
9 overlap. That's how fast Deputy McGuire began to engage
10 following what I thought was Sergeant Hubachek initially
11 engaging.

12 Q. Okay. And at some point, did you hear
13 Deputy McGuire fire a second volley of shots?

14 A. I did.

15 Q. So just focusing on the first volley, as
16 opposed to the second volley that Deputy McGuire fired,
17 could you tell how many shots total were fired in the
18 first volley, including both Sergeant Hubachek and
19 Deputy McGuire's shots?

20 A. I would say, approximately three to five.

21 Q. Okay. So three to five total, combined,
22 between Sergeant Hubachek and Deputy McGuire in the
23 first volley of shots?

24 A. Yes, sir.

25 Q. And do you have an understanding, based on what

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1 you heard and saw at that time, that both of those two
2 deputies were firing during the first volley?

3 A. Yes.

4 Q. In the ten seconds, let's say, prior to the
5 first volley of shots fired by Deputy McGuire and
6 Sergeant Hubachek, did you hear either of those deputies
7 issue any verbal commands to Mr. Llamas?

8 A. I did not.

9 Q. During that time, that ten seconds before the
10 first volley of shots was fired, did you hear either of
11 the deputies issue any verbal warning to Mr. Llamas that
12 they would shoot him?

13 A. I did not.

14 Q. Prior to that first volley of shots being
15 fired, had you ever seen Mr. Llamas point that gun at
16 any human, other than himself?

17 A. Prior -- just prior to the shooting?

18 Q. Prior to the first volley of shots.

19 A. Just prior -- if we're talking just seconds
20 prior -- I'm not sure of the time frame we're speaking
21 of.

22 Q. At any time in your life, prior to the first
23 volley of shots.

24 A. Other than just prior to the shots, that was
25 the only time I had seen the firearm pointed in a

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1 different direction, other than his head, that is.

2 Q. Right. I guess I'm asking -- my question is
3 just a little different, and maybe I asked it poorly.
4 I'm sorry, if I did.

5 I'm wondering whether prior to the moment you
6 heard the first deputy's shot being fired toward
7 Mr. Llamas, had you ever seen Mr. Llamas point that gun
8 at any human being?

9 A. I had not. Including law enforcement, I
10 assume, because we're humans, I had not.

11 Q. Yes, definitely including law enforcement being
12 humans, unless have you some secret you're holding out
13 on me with. I'll remind you you're under oath.

14 A. No, sir. I'm a human.

15 Q. And prior to the -- excuse me -- prior to that
16 first volley of shots being fired, had you ever seen --
17 excuse me -- had you ever heard Mr. Llamas make any
18 verbal threats to anybody?

19 A. I had not.

20 Q. Prior to that first volley of shots being
21 fired, had you ever witnessed Mr. Llamas physically harm
22 any human, including officers?

23 A. Only what we discussed earlier, where he was
24 maybe attempting to harm us by shooting towards us, but
25 the dog was in the line of fire, or it was his intent to

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1 just shoot the dog. I don't know the answer to that
2 question.

3 Q. When that earlier shot that you're describing
4 was fired, was any human struck by it?

5 A. No humans were struck by it.

6 Q. So, yeah, my question is really limited to
7 whether you had seen Mr. Llamas physically harm any
8 human prior to the first volley of the deputies' shots
9 being fired?

10 A. No, sir.

11 Q. Have you ever personally been on that property,
12 prior to entering the driveway area a few seconds before
13 the first volley of shots were fired?

14 A. I had -- no, I had not. I had not personally
15 been there.

16 Q. When you first saw Mr. Llamas from that
17 position at the mouth of the driveway, while he's still
18 moving north, running north, as I think you said, and
19 starting to turn to the left -- I know you said it was a
20 fluid motion -- but at the point he's starting that
21 turn, do you think that it would have been appropriate
22 to shoot him at that time, just for running away?

23 A. Just for running away? Not necessarily. Not
24 absolute, but not necessarily. But the position of the
25 firearm, yes.

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1 Q. I heard you give a couple caveats to the
2 "running away" part, and I just want to explore that a
3 little bit.

4 When you say "not necessarily," what do you
5 mean? Is there -- I guess my question is based on the
6 information that you had at the time. Did you feel, for
7 example, that you would have been justified in shooting
8 him the moment you first regained the visual at him and
9 he's running away, but starting to twist his torso to
10 the left?

11 A. Yes. I believe I -- if you're asking me, I
12 would have been justified, yes.

13 Q. Based on the fact that he was running away?

14 A. Not running -- not just running away. There's
15 a little more -- there's a few more parts to that. It's
16 the orientation of the firearm, and the residents that
17 were at 22240 River Road.

18 Q. At the time you first saw him in that position,
19 what was the orientation of the firearm?

20 A. It was in his right hand, not pointed toward
21 his head, and his legs and his hips are driving him to
22 the north. Again, going back to your clock analogy,
23 he's rotating his torso to the left to 9:00 or 10:00
24 o'clock and the firearm is going with him.

25 And now the firearm is oriented or beginning to

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1 orient towards the west, which that occupied structure
2 was to the west of him.

3 Q. So you believe that you would have been
4 justified in shooting him at that moment, based on him
5 starting to orient the firearm towards his left?

6 A. Yes, sir, potentially risking the lives of the
7 people that are occupying that dwelling are on their
8 porch.

9 Q. If -- I'm going to give you a hypothetical
10 here. Supposing that when you exited your vehicle at
11 the mouth of that driveway to the north of River Road
12 and you regained a visual of Mr. Llamas, he's still
13 moving north, like he was when you saw him, except his
14 torso is facing forward as well, such that his back is
15 to you and he's still holding the gun up to his head,
16 like you had seen him holding it when he was crossings
17 River Road.

18 Do you understand my hypothetical?

19 A. I do, sir.

20 Q. Okay. Provided that that was the position he
21 had been in when you first saw him, would you believe
22 that you would have been justified in shooting him at
23 that time, based on him running away?

24 MR. RAMIREZ: Objection. Incomplete
25 hypothetical. Lacks foundation. Assumes facts not in

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1 evidence.

2 But you may respond, if you can.

3 THE WITNESS: If he's running towards what I
4 have knowledge of is an occupied dwelling where there's
5 other people that he's potentially putting in grave
6 danger, based on distance, terrain, obstacles between him
7 and them, it could be a justified shooting; versus him
8 running into open space and we're at distance, and we
9 have cover, it may not be applicable under those
10 circumstances.

11 I bring in the third party as some of the --
12 not all, but some of the deciding factor.

13 BY MR. LEVINE:

14 Q. Did you -- and I know you mentioned that you
15 had some information from an hour or an hour and a half
16 earlier that there was some other individuals on the
17 property, essentially to the left or the west of
18 Mr. Llamas's position when the first shots were fired;
19 is that correct?

20 A. That's correct.

21 Q. Did you also have any information that there
22 were any individuals on the property to his north?

23 A. I didn't have information whether there were or
24 were not people to the north.

25 Q. Okay. So for all you knew, the only people on

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1 the property, other than him, were possibly those two
2 who were to his west, assuming they were still on the
3 property and in that same location; correct?

4 A. Correct.

5 Q. Okay. So I guess, you know, going back to my
6 hypothetical, he's got his -- he's located in the same
7 place, in terms of where his feet are, as he was when
8 you saw him, except again his back is to you, the gun is
9 to his head, he's still running northward or forward
10 along that driveway, which I guess you said was maybe a
11 bit more northeast than north. You would believe that
12 you would have been justified if you had shot him at
13 that time, under those circumstances, based on him
14 running forward along the driveway?

15 MR. RAMIREZ: Incomplete hypothetical. Assumes
16 facts not in evidence. Misstates the prior testimony of
17 the witness.

18 However, you may respond, if you can.

19 THE WITNESS: Is the -- the hypothetical you're
20 proposing, is there a third-party residence involved?

21 BY MR. LEVINE:

22 Q. The information that you have about
23 third-parties is the same as the information you had at
24 the time of this actual incident. The only difference
25 in my hypothetical versus what you've testified to

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1 already is the positioning of Mr. Llamas's body.

2 A. It may be applicable and it may not be. For
3 me, personally, I may not have sought lethal force as
4 the option at that very moment, based on my distance,
5 his posture, his orientation, and the available cover to
6 us, based on that change, where the firearm positioning
7 was.

8 Q. And why do you think you would not have fired
9 under those circumstances, under my hypothetical?

10 A. Believing that his attempt was just not to --
11 not necessarily to do harm to others, but it gives the
12 appearance that his attempt is just to flee. But in the
13 actual circumstances, there was two intentions, in my
14 mind: The intention to flee and the intention to maybe
15 do harm at the -- at the same time, in order to
16 facilitate his escape.

17 Q. Okay. So as I understand it, again, under my
18 hypothetical -- I realize that you're testifying that
19 you saw something different happen that day. But under
20 my hypothetical, you're saying that if his only apparent
21 intention was to flee, as demonstrated by his back
22 remaining toward you and the gun remaining to his head
23 as he's running northward or northeastward, you would
24 not have felt it was appropriate to shoot under those
25 circumstances, based only on him fleeing?

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1 MR. RAMIREZ: Objection. Incomplete
2 hypothetical. Lacks foundation. Assumes facts not in
3 evidence.

4 (Reporter clarification.)

5 MR. RAMIREZ: He may respond, if he can.

6 THE WITNESS: I'm not saying I wouldn't
7 absolutely not deploy lethal force, but it -- again, it's
8 hard on the hypothetical if you're not smelling it,
9 tasting it, touching it, and feeling it all at the same
10 time at that time of day and seeing that may change my
11 course of action. Not necessarily everybody else's, but
12 again, my course of action.

13 But I can't give you an absolute that I would
14 do this and I would not do that kind of thing, if that
15 makes sense?

16 BY MR. LEVINE:

17 Q. Do you think that, under my hypothetical, it
18 would be appropriate to shoot him for running away,
19 based on the knowledge you had at the time, including
20 having no information that there was anybody to his
21 north on that property?

22 MR. RAMIREZ: Same objections.

23 But you may respond.

24 THE WITNESS: It could. You could deploy
25 lethal force under some circum- -- depending on -- again,

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1 the pistol orientation is to his head. But the slight
2 movement of the pistol, whether forward or backward of
3 his head, put people -- if they're to his west and he's
4 running to his north, and the pistol muzzle is pointed on
5 the right side of his head, which is in a westerly
6 direction, just a slight movement of the pistol could put
7 people in grave danger that are at that address of 22240.

8 And if I can see that or discern that occurring
9 or even understand that's likely to occur, based on
10 movement, then the application of lethal force could be
11 justified under those circumstances.

12 BY MR. LEVINE:

13 Q. Okay. Let's assume that under my hypothetical
14 you cannot discern such movement, and it appears that
15 the muzzle of the pistol is remaining more or less fixed
16 at his -- the side of his head. Does that change
17 anything in your response?

18 MR. RAMIREZ: Same objection.

19 But you may respond.

20 THE WITNESS: I might pursue him -- physically
21 pursue him a little bit longer before -- but lethal force
22 is still an option that could be deployed, but I may
23 pursue him a little bit further.

24 BY MR. LEVINE:

25 Q. Under my hypothetical, do you think that you

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1 would have been justified in shooting Mr. Llamas at that
2 time, based on your belief that he had shot a police dog
3 earlier that day?

4 MR. RAMIREZ: Same objections.

5 But you may respond, if you can.

6 THE WITNESS: The police dog being shot doesn't
7 necessarily have any bearing on the application of my use
8 of force, but it does -- does lend to the fact that
9 there's also violent behavior, whether it's towards
10 animal or human, for that matter. And the dog is
11 obviously a police dog with labeling on his collar.

12 But it just shows -- for me, it illustrates
13 intention -- some intention by the subject. So I
14 wouldn't necessarily say I would just dismiss the
15 information, but it wouldn't -- it would be part of my
16 decision.

17 But I'm going to still continue to pursue the
18 subject a little bit longer, based on what you describe
19 as the "orientation of the pistol."

20 BY MR. LEVINE:

21 Q. You've received some training during your
22 career from the Riverside Police Department; correct?

23 MR. RAMIREZ: Objection. He doesn't work for
24 Riverside Police Department.

25 BY MR. LEVINE:

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1 Q. Excuse me. From the Riverside Sheriff's
2 Department?

3 A. Yes, sir.

4 MR. RAMIREZ: They're two rivalries. I want to
5 make sure we get it right.

6 MR. LEVINE: I'm sorry. I misspoke.

7 BY MR. LEVINE:

8 Q. Based on your training and experience, is a
9 police dog or a canine considered a type of less lethal
10 weapon?

11 A. It is.

12 Q. Is a police dog or a canine considered
13 essentially a tool that deputies have at their disposal?

14 A. It is considered a tool, yes.

15 Q. Is a police dog or canine considered essential,
16 even though it's a dog, a type of physical property?

17 A. It's property of the Sheriff's Department. You
18 are correct.

19 Q. Okay. Did you fire your weapon at all during
20 this incident?

21 A. I did not.

22 Q. And when you saw, as you say, Mr. Llamas again,
23 after regaining a visual of him, and you saw him turning
24 to the left and manipulating his weapon in the same
25 direction, why did you not fire at that time?

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1 (Reporter clarification.)

2 MR. RAMIREZ: Argumentative.

3 But you may respond.

4 THE WITNESS: I chose not to fire my weapon
5 because I knew the two people, McGuire and
6 Sergeant Hubachek, were firing theirs. And based on the
7 suspect's actions before and after he was struck with
8 gunfire, I could tell, for lack of a better term, that it
9 was being "handled."

10 It is a level of professionalism that we strive
11 upon in our team that if we don't need to deploy
12 additional lethal force by additional people, then we
13 restrain from doing such a thing. And so the lethal
14 force that was -- and those guys were designated as
15 lethal cover from earlier on, but their application of it
16 was -- I felt, was all that was necessary, so it didn't
17 require my intervention.

18 I'm not saying it wouldn't have in the future,
19 if the conclusion had been slightly different, but at
20 that point, I didn't feel it was necessary.

21 BY MR. LEVINE:

22 Q. After the first volley of shots that the other
23 deputies fired, did Mr. Llamas go to the ground?

24 A. After which volley, sir?

25 Q. The first.

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1 A. After the first, I do recall him laying on the
2 ground or falling down on the ground.

3 Q. Was it your impression that one or more of the
4 shots fired in that first volley had struck him?

5 A. Yes, sir.

6 Q. Was that because he fell to the ground after
7 the first volley?

8 A. Assuming, yes.

9 Q. Could you tell at that time where on his body
10 he had been struck by those shots?

11 A. I could not.

12 Q. When he fell, which direction did he fall in?

13 A. If I recall, he fell more or less on his right
14 side.

15 Q. And what direction, you know, north, south,
16 east, west, did he fall in, in terms of where his body
17 landed?

18 A. His head was more or less pointed in a
19 northwesterly direction when he fell.

20 Q. Okay. And how about his -- I'm sorry. Were
21 you --

22 A. A northwesterly direction. And his torso, if
23 you can envision his chest, was more or less facing in a
24 south direct -- southern direction, towards us, or a
25 southwest direction.

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1 Q. How about his legs or his feet?

2 A. His feet, if I recall, were -- the bottom of
3 his feet were more or less pointed in a southeasterly
4 direction or more to the east.

5 Q. Could you tell if his -- when he fell, was his
6 body sort of extended, or was he curled up to some
7 degree or twisted around or -- what position was his
8 body in, generally, as far as you could tell?

9 A. Extended, but not -- maybe his knees slightly
10 bent.

11 Q. When he went to the ground after that first
12 volley of shots, was he further away from you than he
13 had been when the first shot was fired?

14 A. Probably a couple of feet, or, if not, a couple
15 of yards further.

16 Q. And that would be further to the north or the
17 northeast?

18 A. Yes, sir.

19 Q. After the first volley of shots was fired, did
20 you hear another deputy say, "Hold, hold, hold"?

21 A. I did hear someone yell, "Hold, hold, hold."

22 Q. Did you know who that was at the time who said
23 that?

24 A. I did not.

25 Q. As you sit here today, do you know who that was

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1 that said that?

2 A. I believe it was Sergeant Hubachek, I believe.

3 Q. Did you hear that -- whoever it was, did you
4 hear that voice coming from somewhere to your left at
5 the time?

6 A. Yes.

7 Q. What did you understand that to mean at the
8 time, "Hold, hold, hold"?

9 A. That potentially there was additional gunfire
10 going to erupt and we didn't want anybody running
11 forward of people that were potentially going to
12 reengage the suspect.

13 Q. So "Hold, hold, hold," in your understanding,
14 was a reference to the deputies holding their respective
15 positions?

16 A. Correct, sir.

17 Q. Is that a communication or a type of statement
18 that you're trained on and that is covered in your
19 training that was how you understood it to mean that?

20 A. Yes.

21 Q. After the first volley was fired, within a few
22 seconds, did you say, "Shots fired" and "He's down"?

23 A. I don't recall if that was after the first
24 volley or after the second volley.

25 Q. So based on your recollection, it could have

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1 been before or after the second volley?

2 A. Yes. I believe it was after the second volley,
3 but I can't be absolutely certain.

4 Q. If I were to play you a short portion of your
5 body camera video, would that refresh your recollection
6 on whether it was before or after the second volley?

7 A. Yes.

8 Q. I'll do that. Give me one moment here. I'm
9 just going to share my screen.

10 Can you see my screen here?

11 A. I can.

12 Q. Do you see in the very bottom left corner that
13 it's labeled as: "346 BWC shooting Llamas J, by
14 Lieutenant Walsh," and then some numbers?

15 A. Yes.

16 Q. And do you recognize this frame that it's
17 paused at, which the video indicates is at 11 minutes
18 and 16 seconds in the video file?

19 A. Yes.

20 Q. And do you see, also, that there's a time stamp
21 on the top right corner of the video dated April 14th,
22 2023, at 19:29:05 hours?

23 A. I do.

24 Q. Do you recognize this as a being a paused
25 version of your body-worn camera video?

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1 A. It looks like it, yes.

2 Q. Does this appear to be the same video that you
3 reviewed in preparation for this deposition?

4 A. Yes, sir.

5 Q. Okay. And I'm just going to play a few seconds
6 of it to try to refresh your recollection on whether you
7 made that statement before or after the second volley of
8 shots.

9 (Video being played.)

10 BY MR. LEVINE:

11 Q. All right. I paused it there at 11:24 on the
12 video.

13 Does that refresh your recollection as to
14 whether you said, "Shots fired" and "He's down," before
15 the second volley of shots?

16 A. Yes.

17 Q. And what's your recollection, now that it's
18 been refreshed, as to whether you made that statement
19 before the second volley or after?

20 A. It looked like that it was a radio transmission
21 to ensure that everybody that heard gunfire understands
22 it's law enforcement gunfire, primarily. And it started
23 after the first volley, and the transmission continued
24 into the second volley.

25 Q. Okay. When said, "Shots fired" and "He's

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1 down," what did you mean by that?

2 A. The shots are fired by us, law enforcement; and
3 that "He's down" just simply means that he's down on the
4 ground, but not defeated. And we often use that
5 terminology that "He's down." It doesn't necessarily
6 mean that he's defeated or now no longer a threat.

7 Q. Is there a separate terminology that you have
8 that you would have used to say that he's defeated or no
9 longer a threat instead of "down"?

10 A. Sometimes it's just plain language, or an
11 example would be, "Suspect's in custody."

12 Q. Okay.

13 A. Or "The suspect is 10-7.)

14 (Reporter clarification.)

15 BY MR. LEVINE:

16 Q. What does "10-7" refer to?

17 A. "Out of service."

18 Q. You would say in cust- -- someone's in custody
19 if they're shot and defeated on the ground, even if
20 you're still approximately 40 to 50 yards away from them
21 and haven't advanced to their position yet?

22 A. I would -- repeat that again, sir? I'm sorry.

23 Q. Well, I think you said that, you know, if the
24 suspect was defeated as opposed to down, one of the
25 terms you might use in that circumstance is to say that

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1 "The suspect is in custody"?

2 A. Yes.

3 Q. And so I guess I'm wondering, are you saying
4 that that's a term that you would use if you knew that
5 the suspect had been defeated, even while you're still
6 at a comparable distance to what you were here, 40 to 50
7 yards?

8 A. It would be a term we'd use, but it wouldn't be
9 likely, under these circumstances because, as you
10 described, the distance we're at, so -- plus the subject
11 appeared to be still moving around.

12 Q. When -- well, let me ask you about that. When
13 you say he was moving to the ground, was he covering
14 some distance at that time between the first and second
15 volleys of shots?

16 A. Not covering distance, no.

17 Q. But was he, like, rolling over or something
18 like that?

19 A. Moving around, still in possession of the
20 firearm. Looked like manipulating the firearm.

21 Q. Was he crawling in some direction at that time?

22 A. I didn't necessarily see him crawling.

23 Q. Okay. When -- and I think you said that at the
24 time the first volley of shots was fired, you could see
25 the gun coming with him to the left as he's twisting to

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1 the left. Was that correct?

2 A. As the first volley is -- prior to the first
3 volley?

4 Q. Yeah. Immediately prior to the first volley
5 and when the first volley started.

6 A. Yes. Torso turning to the left, gun turning
7 towards the left, or to the west.

8 Q. And then while he's falling to the ground,
9 could you still see the gun?

10 A. I can still see the gun in his hand, yes.

11 Q. And is the gun still sort of pointed in a
12 westerly direction while he's falling to the ground?

13 A. While falling to the ground? I can't
14 necessarily give you those details for that short period
15 of time of the fall, but I could tell you where it was
16 oriented once he was on the ground.

17 Q. So you could see the gun while he's falling,
18 but you just couldn't see what direction it was pointed
19 in while he's falling?

20 A. Correct.

21 Q. Okay. And then immediately after he landed on
22 the ground, could you still see the gun?

23 A. I could still see the gun.

24 Q. Did you lose a visual of the gun at any time
25 from when he started falling to the ground till when you

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1 saw him again on the ground?

2 A. I did not lose visual of the gun, maybe just
3 the orientation where the gun was when he fell.

4 Q. In other words, there wasn't any part of his
5 body that passed between you and the gun, to kind of
6 block your view of it at any time during that sequence?

7 A. Not that I recall.

8 Q. When he landed on the ground immediately after
9 falling, how was the gun positioned?

10 A. The gun was positioned in his right hand, and
11 it looks like now it was oriented the towards the south,
12 towards us.

13 Q. Okay. And that was something that you could
14 see yourself from where you were positioned?

15 A. Yes.

16 Q. Were you looking through any type of scope or
17 magnification device at that time?

18 A. I did at one point, but I don't recall if it
19 was actually at that moment that I looked through the
20 optic.

21 Q. Do you recall looking through your optics at
22 any time while shots are being fired that day by
23 deputies?

24 A. I don't. I brought my rifle to bear, but I
25 don't ever think I looked through the optic because the

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1 first volley had concluded.

2 Q. So you're saying that you were able to see with
3 your naked eye, from where you were at the time you fell
4 to the ground, that his handgun was pointed to the south
5 towards you?

6 A. Yes. There were no obstructions generally
7 between us and him.

8 Q. But you didn't fire at that time either?

9 A. I did not fire.

10 Q. When the second volley of shots was fired,
11 could you tell which officer -- which deputy or deputies
12 was firing those shots?

13 A. I believe it was coming from Deputy McGuire
14 and, again, the rapport of the rifle, because he was to
15 my left, and then I could see his rifle recoiling.

16 Q. And do you know how many shots were fired in
17 that second volley?

18 A. Three to four. Two to -- I'm sorry -- two to
19 four, maybe.

20 Q. Do you know how much time passed between the
21 last shot of the first volley and the first shot of the
22 second volley?

23 A. Less than ten -- oh, if I had to guess, about
24 five seconds, give or take, up to ten.

25 Q. Were you standing in the same position that you

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1 were in when the second volley of shots was fired as
2 when the first volley was fired?

3 A. Generally. I believe we moved up a couple of
4 feet, to the north, that is.

5 Q. When the second volley of shots was being
6 fired, could you see Mr. Llamas's face?

7 A. During the second volley?

8 Q. Yes.

9 A. I don't recall necessarily seeing -- I could
10 see his face, but I couldn't tell you what his face -- I
11 couldn't make out facial details or anything like that.

12 Q. Could you tell what direction his face was
13 facing at the time the second volley of shots started?

14 A. It looks like towards the south, south --
15 southerly direction or southwest direction.

16 Q. Same direction as his gun?

17 A. General direction, yes.

18 Q. While the second volley of shots was being
19 fired, after you had said, "Shots fired and "He's down,"
20 did you say "Jimmie"?

21 A. I think I said "Jimmie," I believe.

22 Q. What was your intention in saying that at the
23 time?

24 A. It was just getting their attention to let them
25 know our next tactical move was going to be to advance

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1 on him if it was necessary to ensure that we didn't --
2 we didn't -- some hostage rescue didn't precipitate at
3 that address we addressed, the 22240.

4 Q. And just clarify, "Jimmie" refers to "Deputy
5 Jimmie McGuire"?

6 A. Correct, sir.

7 Q. When you said "Jimmie" there, was it because
8 you weren't sure why Deputy McGuire was firing his
9 weapon?

10 A. No, sir.

11 Q. Was it because you were kind of cautioning him
12 to stop shooting?

13 A. No, sir.

14 Q. Did you ever discuss this time where you said
15 "Jimmie" with Deputy McGuire after the incident?

16 A. I'm sorry, what's the question -- what was your
17 question, sir?

18 Q. So there was this moment during the second
19 volley of shots where you said "Jimmie"; right? That
20 we've been discussing?

21 A. Yes.

22 Q. Did you ever discuss that with Deputy McGuire
23 after the incident, you having said that?

24 A. No, sir.

25 Q. Did you ever read any statement or testimony

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1 that Deputy McGuire gave or heard him say anything to
2 indicate that he thought you were kind of essentially
3 saying, "Why are you still shooting?" when you said,
4 that? That that's what he understood you to mean?

5 A. No, sir.

6 Q. Had you and Deputy McGuire been working
7 together for a long time prior to this incident?

8 MR. RAMIREZ: Vague and ambiguous as to the
9 term "long time."

10 But you may respond.

11 THE WITNESS: Yes, since he, more or less, came
12 on the SWAT team.

13 MR. LEVINE: And I think your attorney was
14 right that that was a vague question.

15 BY MR. LEVINE:

16 Q. How long, approximately, had you been working
17 together by that point?

18 A. Year and a half, maybe.

19 Q. Okay. Had you had a lot of operations together
20 out in the field where you're communicating with one
21 another verbally?

22 A. Yes.

23 Q. And based on that experience that you had
24 together, did you feel like you could understand what he
25 meant when he said certain things to you, based on the

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1 intonation or tone in his voice?

2 A. Yes.

3 Q. And did you have the impression that he felt
4 the same way about you?

5 A. Yes.

6 MR. RAMIREZ: May call for speculation.

7 But you may respond.

8 THE WITNESS: Yes.

9 BY MR. LEVINE:

10 Q. Before the first and second volleys of shots
11 being fired, did you hear Deputies McGuire or Hubachek
12 issue any verbal commands?

13 A. I did not.

14 Q. During that time, did you hear them issue any
15 verbal warnings that they were going to shoot?

16 A. No, sir.

17 MR. LEVINE: I think it might be a good time
18 for our next break, and I think this might be the last
19 one, at least for me. I don't have a ton left, but I've
20 got a little bit, and I just want to go over my notes.

21 So would another ten minutes be good for
22 everybody?

23 MR. RAMIREZ: That's fine.

24 MR. MARKS: Sure.

25 MR. LEVINE: Sounds good.

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1 (Break taken.)

2 BY MR. LEVINE:

3 Q. I may have asked you this before the break, but
4 I'm not sure, so I'm sure your attorney will let me know
5 if I did.

6 But when the second round of shots was fired,
7 why did you not fire at that time?

8 A. The second -- again, going back to what we
9 trained often as a team, and trying to keep the
10 designated shooters -- just that, as the designated
11 shooters, should they have to use lethal force, that is,
12 I felt like if there needed to be a second volley, or
13 even a third or forth subsequent volley, that they would
14 do that.

15 Q. So you didn't feel that it was necessary for
16 you to shoot at the time?

17 A. I didn't feel my intervention was necessary,
18 unless this gunfight turned into some protracted
19 incident where it got longer and I needed to engage at
20 that point.

21 Q. And when you say "gunfight," did you have any
22 understanding as to whether Llamas fired his gun at any
23 time during this part of the incident while the deputies
24 are firing their shots, or immediately before or after?

25 A. Not to my knowledge.

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1 Q. Did you ever form any impression that
2 Mr. Llamas had fired his weapon at any time while on
3 that driveway to the north of River Road?

4 A. Not that I'm aware of.

5 Q. Did you ever learn afterwards that he had fired
6 his weapon at any point during that time?

7 A. I never actively pursued the information, but I
8 believe that he never fired it.

9 Q. Okay. Was there -- when -- from the time that
10 you and Deputies Hubachek and McGuire are taking the
11 position on River Road, to the west of those two
12 driveways we discussed earlier, from around that period
13 until the time of the shooting itself, did the three of
14 you ever discuss any kind of tactical plan for how to
15 approach Mr. Llamas, and what to do if he ever took the
16 gun away from his head, or pointed it in a particular
17 direction? Anything like that?

18 A. The only tactical -- a lot of these things come
19 down to training with high-risk suspects, so a lot of
20 this is already predesignated, in some respect. But
21 what's not predesignated is establishing who is going to
22 provide lethal force if it becomes necessary; and we
23 want to make sure we make those designations very clear.

24 Q. During that time that I just asked about, did
25 any of the three of you have any discussion regarding

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1 the fact that there were possibly occupants on the
2 property at that time, potentially in some position to
3 the west of where Mr. Llamas ultimately fell down and
4 was shot?

5 A. You mean during the time we were on the road,
6 itself, on River Road?

7 Q. Yes, or immediately before or after.

8 A. After -- before or after the shots were fired?

9 Q. Before or after, while you were positioned on
10 the road there to the west, watching Mr. Llamas cross
11 the road to the north?

12 A. I don't recall any of the discussion talking
13 about the -- in detail, the actual residents being
14 inside a home over there.

15 Q. And I guess I remember you saying earlier that
16 maybe an hour or an hour and a half before the shooting,
17 you had received some information from a deputy, you
18 couldn't remember who, that he believed there were a
19 couple of occupants in a structure that was essentially
20 to the west of where Mr. Llamas ended up; correct?

21 A. Correct.

22 Q. And I guess I'm wondering, was there ever any
23 discussion by or among the three of you, yourself and
24 deputies Hubachek and McGuire, regarding those residents
25 and any time thereafter, before the shots were fired?

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1 A. I don't recall a conversation related to that
2 in that moment on the street. But I did allude to,
3 earlier that day, Deputy McGuire might have been the one
4 who gave me the information of the occupants being home
5 about an hour, hour and a half earlier.

6 Q. Okay. But there wasn't, for example, any
7 conversation or discussion as Mr. Llamas is proceeding
8 north, either crossing River Road or going on to the
9 property at 22240, where any of you said anything like,
10 "Oh, well, we've got to watch out because there might be
11 two occupants on that property," or anything like that?

12 A. Not at that moment, other than after the shots
13 were fired.

14 Q. And there wasn't -- before any of the shots
15 were fired -- any discussion of, "Given that there are
16 these occupants who were seen on the property an hour or
17 an hour and a half ago, if Mr. Llamas turns left or
18 points the gun to the west, we've got to shoot him or do
19 anything in particular in response to that, because it
20 might be threatening some occupants of the property"?

21 A. I don't recall us having that conversation just
22 prior to.

23 Q. Okay. Would you say that you had, in the 30 to
24 45 minutes before the shots were fired, any kind of --
25 anything that you would consider to be a tactical

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1 discussion with the other deputies pertaining to these
2 potential occupants on the property?

3 A. We had a tactical discussion 30 to 45 minutes,
4 even an hour, about setting containment, and then we
5 always know from our experience that breaking any -- any
6 time suspect breaks containment lines, that now they're
7 dealing with dwellings that are potentially occupied or
8 inhabited, hadn't been evacuated.

9 So that is -- again, that's a thing we train
10 and train often, is that we try to keep them within our
11 containment lines because of the risk once they're
12 outside containment.

13 Q. But this particular property or the suspected
14 occupants of that property were not part of that
15 discussion; correct?

16 A. No. Not except for that 60 minutes to 90
17 minutes earlier where it was discussed that people would
18 be on the property -- or were.

19 Q. Okay. I just have a few questions sort of
20 about your training that I'll shift you away from this
21 particular incident itself.

22 We talked a little bit earlier about how you
23 went to the police academy. I take it you received
24 training in the academy?

25 A. Yes, sir.

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1 Q. And then did you receive additional training
2 after graduating from the academy, while you were at the
3 Riverside Sheriff's Department as a sworn deputy?

4 A. I did.

5 Q. Did that include field training?

6 A. It did.

7 Q. Did you have a field training officer assigned
8 to you for a period of time?

9 A. Several, I did.

10 Q. For how long of a period of time was it that
11 you had field training officers assigned to you?

12 A. About 12 to 13 weeks.

13 Q. And then did you continue to receive additional
14 training from the Riverside Sheriff's Department after
15 completing your field training with the assigned field
16 training officers?

17 A. Yes.

18 Q. And was that continued training essentially
19 ongoing throughout your career at the Riverside
20 Sheriff's Department?

21 A. Yes, sir.

22 Q. Between all that training that we've just
23 discussed, did you receive training from the Riverside
24 Sheriff's Department on the use of deadly force?

25 A. Yes.

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1 Q. Were you trained that deadly force is the
2 highest level of force that officers can use or
3 deputies?

4 A. Yes, sir.

5 Q. Were you trained that deadly force can only be
6 used to defend against an imminent or immediate threat
7 of death or serious bodily harm?

8 A. Yes -- generally, yes, for law enforcement and
9 innocent people.

10 Q. Is that what you meant by "generally"?

11 A. Yes, human life. Human life.

12 Q. Were you trained that deputies are responsible
13 to justify each shot they fire when using deadly force?

14 A. Yes.

15 Q. Were you trained that deputies need to assess,
16 as best they can in between shots or volleys, the need
17 for continued force?

18 A. Yes.

19 MR. RAMIREZ: Object as vague and ambiguous,
20 the term "assess."

21 But you may respond.

22 THE WITNESS: Yes.

23 BY MR. LEVINE:

24 Q. Were you trained that deputies are required to
25 issue a verbal warning prior to using deadly force, if

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1 feasible?

2 A. If feasible and prudent, yes.

3 Q. Is "prudent" separate from "feasible," in your
4 mind?

5 A. No, sir, a little more detail.

6 Q. Are those kind of two synonyms, as far as you
7 think of them?

8 A. Yes.

9 Q. Okay. Were you -- was part of your training
10 that -- or -- the reason or at least the main reason for
11 why deputies should issue a verbal warning before
12 shooting, is to give the suspect or subject a final
13 opportunity to comply before deadly force is used
14 against them?

15 MR. RAMIREZ: Object to the term "final
16 opportunity."

17 But if you understand, you may respond.

18 THE WITNESS: If feasible -- if feasible, yes,
19 they -- in the hopes of surrender, a peaceful surrender.

20 BY MR. LEVINE:

21 Q. Were you trained that where a warning is given,
22 prior to using deadly force, the subject or suspect
23 should be given an opportunity to comply with that
24 warning before deadly force is used, if feasible?

25 A. If feasible, yes.

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1 Q. Were you trained that it is justifiable to use
2 deadly force against somebody just for having a gun in
3 their hand, based on that fact alone?

4 MR. RAMIREZ: Objection. Incomplete
5 hypothetical. Lacks foundation. Assumes facts not in
6 evidence.

7 But you may respond, if you can.

8 THE WITNESS: Based on a lot of circumstances.
9 You can be in a 10 by 15 room with a subject with a
10 firearm and you're in grave danger. You could be in open
11 space or 100 yards away with a subject with a firearm in
12 his hand and it might be a different set of
13 circumstances.

14 BY MR. LEVINE:

15 Q. So you were trained that there are some
16 circumstances where, based only the fact of a subject
17 holding a gun in their hand alone, you can shoot them?

18 MR. RAMIREZ: Incomplete hypothetical.
19 Misstates his testimony. Lacks foundation.

20 But you may respond, if you can.

21 THE WITNESS: The environment that's occurring
22 in is crucial to that decision.

23 BY MR. LEVINE:

24 Q. Right. I understand that there -- you know,
25 there might often be other factors in play and various

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1 situations. I'm just asking about your training and
2 whether you were ever trained that if you see someone
3 with a gun in their hand, go ahead and shoot them,
4 that's enough?

5 A. Not necessarily.

6 Q. And you say "Not necessarily," you mean there
7 would need to be more than that?

8 A. The totality of circumstances, more than just
9 possessing a firearm. Possessing a firearm, again, at
10 100 yards in an open space, it might not warrant lethal
11 force yet.

12 Q. Okay.

13 A. Might not. It's hard to get away from the
14 details surrounding someone in mere possession. There's
15 always more to it than that.

16 Q. And so given that there are more details, you
17 were not trained that just this one thing, without any
18 other details being present or given to you is enough to
19 shoot standing alone; correct? You were not trained
20 that?

21 A. We're not trained that. Totality of the
22 circumstances is what we're trained. All details.

23 Q. And then similarly, I -- were you trained that
24 if you have somebody who's holding a gun to their own
25 head, that fact alone is enough to shoot them?

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1 MR. RAMIREZ: Incomplete hypothetical. Lacks
2 foundation. Assumes facts not in evidence.

3 But you may respond, if you can.

4 THE WITNESS: That's situational dependent. If
5 the subject's holding a firearm to his head in a 10 by 15
6 room and you just walked into it, because you had to do a
7 rescue of some sort, or someone 100 yards away from you
8 in an open space with a firearm and you have cover
9 between you and the subject. Again, different set of
10 circumstances.

11 BY MR. LEVINE:

12 Q. So where you trained there are some
13 circumstances where, depending how close you are to
14 them, if they've got a gun to their own head, you can go
15 ahead and fire? Is that what you're --

16 (Simultaneous speakers.)

17 (Reporter clarification.)

18 A. There are circumstances based on distance,
19 proximity, third-party presence, that it may warrant
20 lethal force.

21 Q. Right. And you know, I'm not -- we're not --
22 I'm not talking about any third parties being present
23 here. I'm just asking whether you were trained that,
24 based on that fact standing alone, without anything else
25 going on, that you can shoot somebody for holding a gun

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1 to their own head?

2 A. Not necessarily.

3 Q. Okay. So that wasn't training that you were
4 provided? No trainer ever said to you, "Deputy Walsh,
5 if you see someone holding a gun to their head and
6 that's all you got, go ahead and shoot them"?

7 A. You're correct, sir. No trainer did that.

8 Q. Okay. And then have you -- you received
9 training regarding tactics, as well?

10 A. Yes, sir.

11 Q. Did that include training on communication with
12 other deputies during operations?

13 A. Yes.

14 Q. And did it include training on the use of cover
15 and concealment, as well?

16 A. Yes.

17 Q. Is part of that training to take cover, if you
18 can, if someone poses a potential deadly threat toward
19 you?

20 MR. RAMIREZ: Objection. Incomplete
21 hypothetical lacks foundation. Assumes facts not in
22 evidence.

23 But you may respond, if you can.

24 THE WITNESS: Depending on the circumstances
25 and the availability of cover and it's proximity to you.

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1 BY MR. LEVINE:

2 Q. I guess I'm just more generally wondering were
3 you trained on using cover, when possible, if you're
4 faced with a deadly threat? Was that a subject of your
5 training?

6 MR. RAMIREZ: Same objection.

7 But you may respond.

8 THE WITNESS: If you can sir, yes.

9 BY MR. LEVINE:

10 Q. Okay. So you were trained that if you can use
11 cover when faced with a deadly threat, you should use
12 cover? Is that what you're saying?

13 A. If you can, and if it's feasible.

14 Q. Did -- at the time of the -- well, I'll scratch
15 that.

16 MR. LEVINE: I think that's all I have for
17 right now, in terms of my question.

18 And I will turn it over to Larry, in case Larry
19 has any questions for you.

20 MR. MARKS: I have a few.

21 EXAMINATION

22 BY MR. MARKS:

23 Q. First of all, good afternoon. I just have a
24 couple questions to follow-up with you.

25 I think you said earlier that there was a

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1 tactical discussion with the other deputies; is that
2 right?

3 A. There was a tactical briefing before the whole
4 incident actually evolved.

5 Q. How long prior to the shooting did that
6 tactical briefing take place?

7 A. There was a briefing before we even ever
8 stepped foot on the property; and that was probably two
9 hours, maybe two and a half hours prior to actually
10 entering the property and beginning to clear some of the
11 structures and brush.

12 Q. Who do you recall participating in that
13 briefing?

14 A. Sergeant Hubachek, Sergeant McFadden, Deputy
15 Devine, Deputy McGuire, and there were a few other
16 deputies that were also there.

17 Q. What do you recall being discussed at that
18 meeting?

19 A. Discussing that the probability the suspect was
20 contained within our large parcel, and then the tactics
21 going to be employed to clear the large parcel.

22 Q. What specifically was discussed about clearing
23 the large parcel?

24 A. How we were going to move from more or less
25 from the west to the east, based on wind direction. How

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1 we were going to deal with the structures. What
2 technology was going to be employed. The positioning of
3 BearCats, based on terrain -- BearCats being armored
4 vehicles -- based on terrain, how far the BearCat can go
5 and where it can't go, and what personnel were going to
6 be used for what specific tasking.

7 Q. With respect to that last topics, which
8 personnel were be going to be used for which specific
9 tasking, what was discussed in that regard?

10 A. Who was driving the BearCat. Who would be
11 operating the technology. Who was going to protect --
12 primarily protect the dog handler as he deployed his
13 dog, and if we encountered a structure and the entry
14 into the structure, who was attempting to pre-designate
15 who were going to be the entry personnel, and then who
16 was going to be redeployed to assist with containment.

17 Q. Were you taking a lead role in those tactical
18 discussions? In other words, were you the one handing
19 out assignments?

20 A. I wasn't necessarily handing out the
21 assignments, but I was a lead role, in the fact that the
22 leadership discussed it together. But briefing was
23 provided by Sergeant McFadden.

24 Q. Where were you when this tactical discussion
25 took place or this tactical briefing?

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1 A. We were actually off the property, the large
2 parcel, to -- just to the west. And the first thing we
3 encountered was just a structure that was boarded up
4 that was potentially containing people, but it turned
5 out it was empty. And it was actually sealed shut so we
6 couldn't get into it anyway.

7 But that's where it started, the west side of
8 that parcel.

9 Q. Was there another discussion or briefing
10 relative to tactics prior to the shooting, other than
11 what you just discussed?

12 A. After the dog was shot, but prior to the
13 deputy-involved shooting, it was a redeployment of
14 resources to ensure that the northern containment what
15 robust enough to keep the subject contained, because
16 that's where he was fleeing, running, and seen with a
17 firearm.

18 Q. And was there any discussion with respect to
19 the deputies about who, if anybody, would be responsible
20 for the use of deadly force, or would it be any deputy
21 or any officer who believed there was a justification or
22 a need for deadly force would -- would use deadly force?

23 A. The only discussion that was specific to those
24 designated roles -- and, again, when I say "designated,"
25 it doesn't mean that's not subject to change -- but

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1 those designated roles was when we actually got onto
2 River Road. There was a designation there.

3 Now, that was just from my position the
4 designation took place. But you also had deputies and
5 personnel to the east of the driveway where the subject
6 appeared from, and what their designations were there, I
7 don't know.

8 Q. Okay. So let's talk about you and your group.
9 That was -- who was part of your group when you -- when
10 you decided about the designations at that time?

11 A. Deputy McGuire and Sergeant Hubachek.

12 Q. And who made the decision as to the
13 designations for the three of you?

14 A. I did.

15 Q. What were the specific designations between the
16 three of you?

17 A. That they were responsible for lethal coverage,
18 Sergeant Hubachek and Deputy McGuire, and I would take
19 more -- take an active role in leading the group, and
20 then if -- deploying less lethal, if necessary, and
21 providing verbal commands to the subject.

22 Q. When you say "less lethal," at the time that
23 the shots were fired, you were holding lethal weapon;
24 correct?

25 A. Sure was.

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1 Q. Was there ever a time you were holding a less
2 lethal weapon?

3 A. It was in my vehicle, and I had less lethal on
4 my person.

5 Q. And when you say that the designation was for
6 lethal cover, what does that mean?

7 A. So if lethal force needed to be used or it
8 became necessary, the ones that are designated or -- and
9 they're in a position to do so, they're the ones that
10 would apply it as the designated folks for that
11 assignment, for that task.

12 Q. If there was only three of you there, why would
13 you designate lethal cover to two of them and not keep
14 lethal cover for yourself, as well?

15 A. I can use them to protect myself based on my
16 positioning.

17 Q. Okay. At the time of the initial volley of
18 shots, the three of you were essentially lined up
19 together; correct?

20 A. Yes.

21 Q. Fair to say that not one of you had a better
22 view of Mr. Llamas at the time of the first volley of
23 shots?

24 A. I would say that Sergeant Hubachek and Deputy
25 McGuire probably had the better view because they were

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1 out on foot before I actually got out of my car. So
2 they were seeing the subject before I could see the
3 subject.

4 Q. Fair to say that despite the designation of the
5 other two deputies having lethal cover, if you felt that
6 lethal force was necessary, you certainly would have
7 used lethal force?

8 A. If I was -- if I felt, one, it was necessary
9 and, two, that they weren't accomplishing what was
10 necessary, then I would have intervened at that point.

11 Q. Would you have waited to find out if they were
12 going to use lethal force before you decided to use it?
13 You just wait for that to happen?

14 MR. RAMIREZ: Assumes facts not in evidence.
15 But you may answer.

16 THE WITNESS: No. And working with them and
17 training with them very often, often, I knew what they
18 were capable of and I knew what their thresholds were.

19 BY MR. MARKS:

20 Q. In other words -- and this is a hypothetical --
21 I want you to assume the three of you are lined up
22 essentially together and you saw a suspect turn and aim
23 a gun at the three of you, and the other two deputies
24 didn't fire. You certainly would have; correct?

25 A. If they had not returned fire, yes.

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1 Q. And how long would you have waited to find out
2 if they were going to actually use lethal force before
3 you, yourself, did?

4 MR. RAMIREZ: Calls for speculation. Lacks
5 foundation. Assumes facts not in evidence.

6 But you may respond.

7 THE WITNESS: Not very long, sir.

8 BY MR. MARKS:

9 Q. I wouldn't think so.

10 The first volley of shots, can you tell me how
11 many shots in total there were?

12 A. In that first volley, total, again I believe it
13 was anywhere from three to five.

14 Q. Do you know how many of those three to five
15 actually hit Mr. Llamas?

16 A. I do not.

17 Q. Do you know where on Mr. Llamas's body any of
18 those shots hit?

19 A. After making contact with him?

20 Q. At any time, whenever you might have learned?

21 A. After making contact, I could see what I
22 believed were two impacts, but there could be exit --
23 they could be exits at the same time.

24 Q. Where were the -- where do you believe -- after
25 leaving the scene, where do you believe that the first

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1 volley of shots struck Mr. Llamas?

2 A. One was towards his hip or his buttocks, and
3 one was, I believe, in his -- just below his nose.
4 Somewhere in his face.

5 Q. You believe that the first volley of shots hit
6 him in the face?

7 A. Based on the way he was moving after the first
8 volley, I would -- deductive reasoning says no, he was
9 not hit in the face after the first volley.

10 Q. Okay. So you think that the first volley would
11 have only hit him in the hip or butt?

12 A. That's my belief, yes.

13 Q. Okay. And I guess I want to understand what
14 you mean by "the hip or the butt." Are you saying it
15 would be somewhere forward on the front side of his
16 body, the side of his body, or the back part of his
17 body?

18 A. Kind of like a portion of the side and back,
19 not necessarily the front. But again, it could have
20 been an exit and I just didn't locate the entrance.

21 Q. And I think you said that you saw Mr. Llamas go
22 down to the ground after the first round of shots?

23 A. Yes, sir.

24 Q. And you were able to continue to see Mr. Llamas
25 holding his gun after the first volley of shots?

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1 A. Yes.

2 Q. You never lost sight of him holding his gun;
3 correct?

4 A. I did not.

5 Q. Did you ever ask either Deputy Hubachek or
6 Deputy McGuire why they shot?

7 A. I did not ask them at all why they shot.

8 Q. At any time before the deputies shot at
9 Mr. Llamas for the first time, did you think about
10 shooting?

11 A. Prior to them shooting?

12 Q. Correct.

13 A. It did -- it did cross my mind. Yes, sir.

14 Q. How long before the other deputies fired did
15 you think about shooting?

16 A. Well, if you recall from the body cam, as I
17 stepped out of the vehicle and I moved towards the front
18 of my car is right around the time that they engaged
19 with the first volley of gunfire. So it happened fairly
20 quick that -- their engagement -- as I gained a visual
21 acquisition of the subject for the second time after he
22 crossed the road.

23 Q. Now, I think earlier when Mr. Levine asked you
24 questions, you said that at the time of the first volley
25 of shots, Mr. Llamas's head, if we're assuming --

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1 looking at a clock and 12:00 o'clock would be looking
2 straight ahead, I think you said that his head was aimed
3 more towards about 9:00 or 10:00 o'clock, for the first
4 volley?

5 A. Is this while he's -- so 12:00 o'clock being
6 north?

7 Q. Correct.

8 A. And so -- and are you speaking when he fell to
9 the ground?

10 Q. No. I'm talking about a millisecond before the
11 first shots were fired. I think you said -- and you can
12 correct me if I'm wrong -- that immediately before the
13 first volley of shots, Mr. Llamas's head was looking in
14 the direction of, say, 9:00 or 10:00 o'clock?

15 A. Yes, sir.

16 Q. And at that moment where his head was looking
17 at between 9:00 and 10:00 o'clock, could you see any
18 portion of Mr. Llamas's chest, or could you only see his
19 back?

20 A. I could see more or less his -- maybe a profile
21 of his chest or his torso, where you're capturing, like,
22 his left shoulder, a portion of his back, and maybe just
23 a portion of his chest.

24 Q. So in other words, you would see, essentially,
25 his left shoulder?

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1 A. Left shoulder.

2 Q. Assuming that he was not wearing a shirt, fair
3 to say you would not be able to see either of his
4 nipples?

5 A. Fair to say.

6 Q. And at that time immediately prior to the first
7 volley of shots, Mr. Llamas was moving in a northbound
8 direction; is that right?

9 A. Yes, sir.

10 Q. He was not moving towards the residence, was
11 he?

12 A. His hips and his leg were driving him north,
13 but his torso was turning to the left and back to our
14 clock analogy, turning towards the 10:00 and 9:00
15 o'clock position, when the residence was towards the
16 9:00 and 10:00 o'clock position.

17 Q. But even though his head was looking towards
18 the 9:00 or 10:00 o'clock position, he was still running
19 in a 12:00 o'clock direction; correct?

20 A. Still running in a 12:00 clock direction, but
21 his torso and head were 9:00 and 10:00.

22 Q. Gotcha.

23 Can you tell me approximately the distance
24 between Mr. Llamas and that residence at the time of the
25 first shot?

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1 A. This would be just an estimate.

2 Q. Sure.

3 A. 30 yards, maybe.

4 Q. So the distance between Mr. Llamas and the
5 residence was less than the distance between you and
6 Mr. Llamas at the time of the first shots?

7 A. Yes, sir, approximately. Approximately.

8 Q. Okay. I want to ask you a couple questions
9 about the shooting of the canine. Fair to say that you
10 did not see Mr. Llamas at the time the shot was fired
11 that hit the canine?

12 A. That's correct, sir.

13 Q. Fair to say you don't know what Mr. Llamas was
14 aiming at when the canine was shot?

15 A. That's correct, sir.

16 Q. Fair to say you do not know how close the
17 canine ever got to Mr. Llamas?

18 A. That's correct, sir.

19 Q. Fair to say you do not know the distance
20 between Mr. Llamas and the canine at the time of the
21 shooting of the canine?

22 A. That's correct.

23 Q. When did you learn that the canine had actually
24 been shot?

25 A. I knew the canine had entered a brush line, and

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1 then shortly thereafter was the gunshot. And when I
2 asked the handler had he attempted to recall his dog, he
3 said he already did. And the belief was the dog was
4 shot.

5 Q. When did you learn, in fact, the dog had been
6 hit?

7 A. With gunfire?

8 Q. Yes, sir.

9 A. It wasn't until -- well, I don't know if you
10 could say it's factual, because the dog wouldn't return.

11 Q. Well, there could be other reasons the dog
12 didn't return, right?

13 A. There could be.

14 Q. Let me ask you a little differently. Did you
15 know that the dog had been shot before the first round
16 of shots towards Mr. Llamas?

17 A. Suspected of being shot? I don't recall having
18 direct knowledge like the handler. But at some point,
19 the handler went in the brush and grabbed him. I don't
20 know when that occurred and when the rapport was related
21 to the first shooting we had -- first volley. I'm
22 sorry.

23 Q. Is it your best recollection that you learned
24 that the canine had been actually shot prior to the
25 first round of shots at Mr. Llamas?

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1 A. I don't recall if I had factual knowledge that
2 the dog had been shot prior to the first volley of
3 gunfire by the deputies.

4 **Q. But that was your belief?**

5 A. It was my belief because of the circumstances.

6 **Q. All right. The second round of shots, how long**
7 **was that after the first round of shots?**

8 A. About --

9 MR. RAMIREZ: Asked and answered.

10 But go ahead.

11 THE WITNESS: About five seconds, give or take.

12 BY MR. MARDIROSSIAN:

13 **Q. Approximately, how many shots were shot for the**
14 **second volley?**

15 A. Three or -- two to four, maybe.

16 **Q. Do you know how many shots each of the two**
17 **deputies fired?**

18 MR. RAMIREZ: Asked and answered.

19 But go ahead, again.

20 MR. MARKS: Not by me, Gene.

21 MR. RAMIREZ: Yeah, but it's been answered
22 about this case.

23 THE WITNESS: I believe Sergeant Hubachek was
24 anywhere from one to three, and Deputy McGuire, I
25 believe, was six to eight. Somewhere in there.

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1 BY MR. MARKS:

2 Q. That's just the second round I'm talking about.

3 A. Oh, you mean in total?

4 Q. No. I'm only talking about the second volley
5 of shots. I wanted to know how many each of the
6 deputies shot?

7 A. Oh. I'm not sure Sergeant Hubachek engaged in
8 a second volley. It might have been just Deputy
9 McGuire, and it was anywhere from two to four.

10 Q. At the time of the second round of shots, did
11 you consider firing, yourself?

12 A. At the -- yes.

13 Q. And the reason you did not fire is because one
14 of the other deputies already did; is that right?

15 A. That is right, sir.

16 Q. Did you ever ask Deputy McGuire why he fired
17 the second round -- or the second volley?

18 A. I did not.

19 Q. Did you ever ask Deputy Hubachek why he did not
20 fire the second volley?

21 A. I did not.

22 Q. Do you have an understanding as to where
23 Mr. Llamas was hit with the second volley?

24 A. My assumption would be that he was struck in
25 the face on the second volley.

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1 Q. Do you know how many of the second volley of
2 shots actually struck Mr. Llamas?

3 A. I don't know.

4 Q. Okay. Did you know anything at all about
5 Mr. Llamas before the date of this incident?

6 A. I only learned of him the day of.

7 Q. Okay. So I'm only asking about -- prior to the
8 day of, had you ever heard his name or did you know
9 anything at all about him?

10 A. I did not, sir.

11 Q. And what did you learn -- prior to the
12 shooting, on the day of the incident, what did you learn
13 about Mr. Llamas's history?

14 A. He had an extensive criminal history including
15 previous contacts with a firearm. I believe he was also
16 wanted for either rape or child molestation or both.
17 And he was actually being pursued because he was a
18 wanted fugitive for those crimes.

19 Q. When did you learn that, prior to the shooting?

20 A. That was during the briefing that was provided.

21 Q. And that would have been the hour and a half to
22 two hours before the shooting?

23 A. Yes, sir, before the search of the property
24 even commenced.

25 Q. Who shared that information with you?

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1 A. Again, Sergeant McFadden, who leads the
2 fugitive apprehension squad, and Deputy Devine, who was
3 the case agent.

4 Q. Other than what you just told me that you
5 learned at the briefings about Mr. Llamas's history, did
6 you ever learn anything else about Mr. Llamas's history
7 prior to the shooting?

8 A. I did learn from the -- a reporting party who
9 we spoke to directly that lived on River Road -- on the
10 south side of River Road, that they were the one
11 reporting that they had seen a male matching his
12 description and a female fleeing across their property,
13 more or less from the east to the west, and it was
14 believed that he was possibly armed.

15 Q. How long before the shooting did you learn
16 that?

17 A. That was about another -- that was probably
18 about two and a half hours, three hours before the
19 shooting.

20 Q. And you heard that directly from the reporting
21 individual?

22 A. I was listening to the conversation between the
23 reporting party and, I believe, the deputy that was
24 interviewing or speaking to her -- an older lady and her
25 granddaughter.

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1 Q. You were standing in proximity to the reporting
2 party?

3 A. Yes, listening to the conversation.

4 Q. Can you describe that person for me?

5 A. The older lady?

6 Q. Whoever was reporting what they had seen.

7 A. It was younger girl about 17 years old, who was
8 at times, I believe, translating for her mother or her
9 grandmother. And an older lady who spoke pretty good
10 English, if I recall correctly, and at times, she didn't
11 so her granddaughter would translate. She was an older
12 lady, probably in her 60s, maybe 70s.

13 Q. How's your Spanish?

14 A. Mine's not good.

15 Q. The information that you learned from this
16 reporting party, how, if at all, did it factor into your
17 tactical behavior at this scene?

18 A. It prompted the search to begin there because
19 that was the last known location of where he was because
20 prior to that, he was involved in a vehicle pursuit and
21 then fled from the vehicle. But he was never seen -- I
22 don't recall him ever being seen from law enforcement
23 after fleeing from the vehicle following the pursuit.

24 It was just a report from this elderly lady and
25 her granddaughter that coincidentally said, "Hey, there

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1 was two people traversing across my property from the
2 west" -- I'm sorry -- "from the east to the west, and
3 these were their descriptions."

4 And then they were shown a photograph of the
5 suspect, and they said, "That was the guy that was
6 crossing our property."

7 Q. Do you know who had the photograph of
8 Mr. Llamas?

9 A. I believe Sergeant -- most of us had it on our
10 phone. That was -- it was sent to us. I believe
11 Sergeant--

12 (Reporter clarification.)

13 THE WITNESS: It's S-A-N-T-I-S-T-E-V-A-N. I
14 believe I spelled that correctly.

15 BY MR. MARKS:

16 Q. Having heard that information from the
17 reporting party, did you form the understanding that
18 Mr. Llamas was chasing this fleeing woman, or they were
19 together and they were both fleeing from something?

20 A. Together and both fleeing from something.

21 Q. Did you ever make contact with the woman that
22 was allegedly fleeing?

23 A. I did not.

24 Q. Have you now told me everything that you knew
25 about Mr. Llamas, prior to the first volley of shots

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1 being fired?

2 A. Yes.

3 Q. Okay.

4 MR. MARKS: Thank you. I don't have any other
5 questions for you. Thanks for your time this morning.

6 THE WITNESS: Thank you, sir.

7 MR. LEVINE: Nothing more from me.

8 Eugene, any questions?

9 MR. RAMIREZ: No, I'm good.

10 Thank you all.

11 THE CERTIFIED STENOGRAPHER: Mr. Ramirez, are
12 you ordering a copy?

13 MR. RAMIREZ: Yes. If I can get rough also,
14 please.

15 THE CERTIFIED STENOGRAPHER: Mr. Marks, are you
16 ordering a copy?

17 MR. MARKS: No, thank you.

18 (1:13 p.m., deposition concluded.)

19 --oOo--

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1 STATE OF CALIFORNIA)
) ss:
2 COUNTY OF BUTTE)

3
4 I, KIMBERLY E. D'URSO, do hereby certify:

5 That the witness named in the foregoing
6 deposition was present remotely and duly sworn to testify
7 to the truth in the within-entitled action on the day and
8 date and at the time and place therein specified;

9 That the testimony of said witness was reported
10 by me in shorthand and was thereafter transcribed through
11 computer-aided transcription;

12 That the foregoing constitutes a full, true and
13 correct transcript of said deposition and of the
14 proceedings which took place;

15 Further, that if the foregoing pertains to the
16 original transcript of a deposition in a federal case,
17 before completion of the proceedings, review of the
18 transcript [] was [] was not requested.

19 That I am a certified stenographic reporter and
20 a disinterested person to the said action;

21 IN WITNESS WHEREOF, I have hereunder subscribed
22 my hand this 28th day of March, 2025.

23 

24 KIMBERLY D'URSO, CSR NO. 11372, RPR

25

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1 DECLARATION OF DEPONENT

2

3 I, _____, say I have read the
4 foregoing deposition and declare under penalty of perjury
5 under the laws of the State of California and all federal
6 laws that my answers as indicated are true and correct.

7

8 Dated this _____ day of _____, 2025, at
9 _____, California.

10

11

12

MICHAEL WALSH

13

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Michael Walsh on 03/21/2025

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EXHIBIT 23

EXHIBIT 23

Delia Flores

From: Lawrence D. Marks <lawrence@garolaw.com>
Sent: Wednesday, May 14, 2025 10:02 AM
To: Kayleigh Andersen
Subject: RE: Llamas (PC) Request to Meet and Confer re Defendants' MSJ

Yes. Thanks.

From: Kayleigh Andersen <Kayleigh.Andersen@manningkass.com>
Sent: Wednesday, May 14, 2025 9:47 AM
To: Lawrence D. Marks <lawrence@garolaw.com>
Subject: RE: Llamas (PC) Request to Meet and Confer re Defendants' MSJ

Good morning,

No problem. Yes, I can give you a call at noon. Should I call your office again?

Kayleigh Andersen

Partner



801 S. Figueroa St., 15th Floor

Los Angeles, CA 90017

Main: (213) 624-6900 | Ext.: 2447

Direct: (213) 553-2447

Kayleigh.Andersen@manningkass.com | manningkass.com

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From: Lawrence D. Marks <lawrence@garolaw.com>
Sent: Wednesday, May 14, 2025 9:46 AM
To: Kayleigh Andersen <Kayleigh.Andersen@manningkass.com>
Subject: RE: Llamas (PC) Request to Meet and Confer re Defendants' MSJ

Sorry I missed your call.

How about noon? Or anytime after.

From: Kayleigh Andersen <Kayleigh.Andersen@manningkass.com>
Sent: Wednesday, May 14, 2025 8:17 AM
To: Lawrence D. Marks <lawrence@garolaw.com>; Garo Mardirossian <garo@garolaw.com>; Thor Dockweiler <thor@garolaw.com>; Daniel Diaz <daniel@garolaw.com>

Cc: Benjamin Levine <blevine@galipolaw.com>; DALEKGALIPO@yahoo.com; Santiago Laurel <slaurel@galipolaw.com>; Eugene P. Ramirez <Eugene.Ramirez@manningkass.com>; Lynn Carpenter <Lynn.Carpenter@manningkass.com>; Sheila Templeton <Sheila.Templeton@manningkass.com>; Delia Flores <Delia.Flores@manningkass.com>; Shanika Linear <Shanika.Linear@manningkass.com>; Angela Thompson <Angela.Thompson@manningkass.com>

Subject: RE: Llamas (PC) Request to Meet and Confer re Defendants' MSJ

Good morning,

Not a problem. I am available now until 10. Let me know what time works for you and what is the best number to call.

Thank you,
Kayleigh

Kayleigh Andersen

Partner



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From: Lawrence D. Marks <lawrence@garolaw.com>

Sent: Wednesday, May 14, 2025 8:15 AM

To: Kayleigh Andersen <Kayleigh.Andersen@manningkass.com>; Garo Mardirossian <garo@garolaw.com>; Thor Dockweiler <thor@garolaw.com>; Daniel Diaz <daniel@garolaw.com>

Cc: Benjamin Levine <blevine@galipolaw.com>; DALEKGALIPO@yahoo.com; Santiago Laurel <slaurel@galipolaw.com>; Eugene P. Ramirez <Eugene.Ramirez@manningkass.com>; Lynn Carpenter <Lynn.Carpenter@manningkass.com>; Sheila Templeton <Sheila.Templeton@manningkass.com>; Delia Flores <Delia.Flores@manningkass.com>; Shanika Linear <Shanika.Linear@manningkass.com>; Angela Thompson <Angela.Thompson@manningkass.com>

Subject: RE: Llamas (PC) Request to Meet and Confer re Defendants' MSJ

Good morning, Kayleigh:

Thanks for your patience. I was out of the Country for a couple weeks, and upon my return, I took yesterday off for illness....

I am back in the office today and available most of the day.

Let me know what time works best for you.

Thanks

Larry

From: Kayleigh Andersen <Kayleigh.Andersen@manningkass.com>
Sent: Tuesday, May 13, 2025 9:12 AM
To: Lawrence D. Marks <lawrence@garolaw.com>; Garo Mardirossian <garo@garolaw.com>; Thor Dockweiler <thor@garolaw.com>; Daniel Diaz <daniel@garolaw.com>
Cc: Benjamin Levine <blevine@galipolaw.com>; DALEKGALIPO@yahoo.com; Santiago Laurel <slaurel@galipolaw.com>; Eugene P. Ramirez <Eugene.Ramirez@manningkass.com>; Lynn Carpenter <Lynn.Carpenter@manningkass.com>; Sheila Templeton <Sheila.Templeton@manningkass.com>; Delia Flores <Delia.Flores@manningkass.com>; Shanika Linear <Shanika.Linear@manningkass.com>; Angela Thompson <Angela.Thompson@manningkass.com>
Subject: RE: Llamas (PC) Request to Meet and Confer re Defendants' MSJ

Good morning Mr. Marks,

I just called your office and spoke with Daniel on the phone who advised that that you are out sick today. I called based on our email exchange below. As I understand from my talk with Daniel, you will not be objecting to any timeliness for the meet and confer for the MSJ based on our continued efforts to set up this call. I am available tomorrow as follows: 8-10 and 12-1, so please let me know what works best for you. I look forward to our call, and I hope you feel better.

Thank you,
Kayleigh

Kayleigh Andersen

Partner



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From: Kayleigh Andersen <Kayleigh.Andersen@manningkass.com>
Sent: Monday, May 12, 2025 2:53 PM
To: Lawrence D. Marks <lawrence@garolaw.com>; Garo Mardirossian <garo@garolaw.com>; Thor Dockweiler <thor@garolaw.com>; Daniel Diaz <daniel@garolaw.com>
Cc: Benjamin Levine <blevine@galipolaw.com>; DALEKGALIPO@yahoo.com; Santiago Laurel <slaurel@galipolaw.com>; Eugene P. Ramirez <Eugene.Ramirez@manningkass.com>; Lynn Carpenter <Lynn.Carpenter@manningkass.com>; Sheila Templeton <Sheila.Templeton@manningkass.com>; Delia Flores <Delia.Flores@manningkass.com>; Shanika Linear <Shanika.Linear@manningkass.com>; Angela Thompson <Angela.Thompson@manningkass.com>
Subject: RE: Llamas (PC) Request to Meet and Confer re Defendants' MSJ

Good afternoon,

I already met and conferred with Ben last week. I can be available at 9:00 a.m. tomorrow if that works for you. Please let me know what number works best to call at that time.

Thank you,
Kayleigh

Kayleigh Andersen

Partner



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From: Lawrence D. Marks <lawrence@garolaw.com>

Sent: Monday, May 12, 2025 2:52 PM

To: Kayleigh Andersen <Kayleigh.Andersen@manningkass.com>; Garo Mardirossian <garo@garolaw.com>; Thor Dockweiler <thor@garolaw.com>; Daniel Diaz <daniel@garolaw.com>

Cc: Benjamin Levine <blevine@galipolaw.com>; DALEKGALIPO@yahoo.com; Santiago Laurel <slaurel@galipolaw.com>; Eugene P. Ramirez <Eugene.Ramirez@manningkass.com>; Lynn Carpenter <Lynn.Carpenter@manningkass.com>; Sheila Templeton <Sheila.Templeton@manningkass.com>; Delia Flores <Delia.Flores@manningkass.com>; Shanika Linear <Shanika.Linear@manningkass.com>; Angela Thompson <Angela.Thompson@manningkass.com>

Subject: RE: Llamas (PC) Request to Meet and Confer re Defendants' MSJ

I am available most of the day tomorrow. Please confirm a time with Ben, and I will make my calendar work...

Thanks.

Larry

From: Kayleigh Andersen <Kayleigh.Andersen@manningkass.com>

Sent: Monday, May 12, 2025 2:49 PM

To: Garo Mardirossian <garo@garolaw.com>; Lawrence D. Marks <lawrence@garolaw.com>; Thor Dockweiler <thor@garolaw.com>; Daniel Diaz <daniel@garolaw.com>

Cc: Benjamin Levine <blevine@galipolaw.com>; DALEKGALIPO@yahoo.com; Santiago Laurel <slaurel@galipolaw.com>; Eugene P. Ramirez <Eugene.Ramirez@manningkass.com>; Lynn Carpenter <Lynn.Carpenter@manningkass.com>; Sheila Templeton <Sheila.Templeton@manningkass.com>; Delia Flores <Delia.Flores@manningkass.com>; Shanika Linear <Shanika.Linear@manningkass.com>; Angela Thompson <Angela.Thompson@manningkass.com>

Subject: RE: Llamas (PC) Request to Meet and Confer re Defendants' MSJ

Good afternoon Larry and Thor,

I am reaching out to set up a time to meet and confer regarding the MSJ either today or tomorrow. Please provide a time as soon as possible.

Thank you,
Kayleigh

Kayleigh Andersen

Partner



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From: Kayleigh Andersen <Kayleigh.Andersen@manningkass.com>

Sent: Wednesday, May 7, 2025 10:22 AM

To: garo@garolaw.com; lmarks@garolaw.com; Thor Dockweiler <thor@garolaw.com>; Daniel Diaz <daniel@garolaw.com>

Cc: Benjamin Levine <blevine@galipolaw.com>; DALEKGALIPO@yahoo.com; Santiago Laurel <slaurel@galipolaw.com>; Eugene P. Ramirez <Eugene.Ramirez@manningkass.com>; Lynn Carpenter <Lynn.Carpenter@manningkass.com>; Sheila Templeton <Sheila.Templeton@manningkass.com>; Delia Flores <Delia.Flores@manningkass.com>; Shanika Linear <Shanika.Linear@manningkass.com>; Angela Thompson <Angela.Thompson@manningkass.com>

Subject: RE: Llamas (PC) Request to Meet and Confer re Defendants' MSJ

Good morning Thor,

Thank you for your call a few minutes ago to let me know that Mr. Marks is not available in any capacity for a meet and confer phone call until Monday or Tuesday next week. You also advised that there are not any other attorneys to handle the meet and confer phone call for this case before next week. Upon his return, we will touch base to set up the meet and confer.

Thank you,
Kayleigh

Kayleigh Andersen

Partner



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From: Kayleigh Andersen <Kayleigh.Andersen@manningkass.com>

Sent: Wednesday, May 7, 2025 8:56 AM

To: garo@garolaw.com; lmars@garolaw.com; Thor Dockweiler <thor@garolaw.com>; Daniel Diaz <daniel@garolaw.com>

Cc: Benjamin Levine <blevine@galipolaw.com>; DALEKGALIPO@yahoo.com; Santiago Laurel <slaurel@galipolaw.com>; Eugene P. Ramirez <Eugene.Ramirez@manningkass.com>; Lynn Carpenter <Lynn.Carpenter@manningkass.com>; Sheila Templeton <Sheila.Templeton@manningkass.com>; Delia Flores <Delia.Flores@manningkass.com>; Shanika Linear <Shanika.Linear@manningkass.com>; Angela Thompson <Angela.Thompson@manningkass.com>

Subject: RE: Llamas (PC) Request to Meet and Confer re Defendants' MSJ

Good morning Larry, Thor, and team,

I am following up on my emails below requesting to meet and confer. Is anyone available to meet and confer this morning at 10:30 a.m. on behalf of plaintiffs S.L. and Carolyn Campbell? If not, please provide an alternate date/time between today and Friday.

Thank you,
Kayleigh

Kayleigh Andersen

Partner



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From: Kayleigh Andersen <Kayleigh.Andersen@manningkass.com>
Sent: Tuesday, May 6, 2025 3:10 PM
To: Benjamin Levine <blevine@galipolaw.com>
Cc: DALEKGALIPO@yahoo.com; Santiago Laurel <slaurel@galipolaw.com>; garo@garolaw.com; Lmarks@garolaw.com; Thor Dockweiler <thor@garolaw.com>; Daniel Diaz <daniel@garolaw.com>; Eugene P. Ramirez <Eugene.Ramirez@manningkass.com>; Lynn Carpenter <Lynn.Carpenter@manningkass.com>; Sheila Templeton <Sheila.Templeton@manningkass.com>; Delia Flores <Delia.Flores@manningkass.com>; Shanika Linear <Shanika.Linear@manningkass.com>; Angela Thompson <Angela.Thompson@manningkass.com>
Subject: Re: Llamas (PC) Request to Meet and Confer re Defendants' MSJ

Thank you, Ben.

Is anyone available on behalf of the remaining plaintiffs? I believe it would also be easier to conduct one meet and confer together, but I can schedule another time within my availability as needed.

Thank you,
Kayleigh

Kayleigh Andersen

Partner



801 S. Figueroa St., 15th Floor

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On May 6, 2025, at 9:09 AM, Benjamin Levine <blevine@galipolaw.com> wrote:

Hi Kayleigh,

Thank you for the clarification. 10:30am on Wednesday works and we can pencil that in, though if the other plaintiffs' counsel are available at a different time you provided, I think it would make sense to just do a single call for everyone. If it ends up just being you and me, you can reach me at our office at (818) 347-3333.

Ben

Benjamin S. Levine, Associate Attorney | The Law Offices of Dale K. Galipo | 21800

Burbank Blvd., Suite 310, Woodland Hills, CA 91367 | Office: +1.818.347.3333 | Fax:

+1.818.347.4118 | Email: blevine@galipolaw.com www.GalipoLaw.com

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From: Kayleigh Andersen <Kayleigh.Andersen@manningkass.com>

Sent: Monday, May 5, 2025 3:43 PM

To: Benjamin Levine <blevine@galipolaw.com>

Cc: DALEKGALIPO@yahoo.com <DALEKGALIPO@yahoo.com>; Santiago Laurel <slaurel@galipolaw.com>; garo@garolaw.com <garo@garolaw.com>; Lmarks@garolaw.com <Lmarks@garolaw.com>; Thor Dockweiler <thor@garolaw.com>; Daniel Diaz <daniel@garolaw.com>; Eugene P. Ramirez <Eugene.Ramirez@manningkass.com>; Lynn Carpenter <Lynn.Carpenter@manningkass.com>; Sheila Templeton <Sheila.Templeton@manningkass.com>; Delia Flores <Delia.Flores@manningkass.com>; Shanika Linear <Shanika.Linear@manningkass.com>; Angela Thompson <Angela.Thompson@manningkass.com>

Subject: Re: Llamas (PC) Request to Meet and Confer re Defendants' MSJ

Good afternoon Ben,

How about 10:30 AM on Wednesday? I can give you a call at that time. Please let me know what would be the best number to call.

With respect to point number one, the minor plaintiffs do not have standing based on information obtained during discovery. Specific to plaintiff V. L., there has been no proof offered despite multiple requests, that she is the biological daughter of the decedent, or that she had any relationship with the decedent that would qualify her as an heir. I am happy to discuss further on Wednesday.

Thank you,
Kayleigh

Kayleigh Andersen

Partner



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Los Angeles, CA 90017

Main: (213) 624-6900 | Ext.: 2447

Direct: (213) 553-2447

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On May 5, 2025, at 3:37 PM, Benjamin Levine <blevine@galipolaw.com> wrote:

Hi Kayleigh,

I am available on behalf of Plaintiff V.L. at any of the times listed on Wednesday or Friday.

In the meantime, could you please clarify what is meant in point #1 by "causes of actions brought by S.L. and V.L., their respective guardians ad litem, because each lacks standing ..."? Based on the phrasing, I am not sure whether this is referring to the minor plaintiffs, or to their guardians ad litem, or both.

Ben

Benjamin S. Levine, Associate Attorney | The Law Offices of Dale K. Galipo | 21800 Burbank Blvd., Suite 310, Woodland Hills, CA 91367 | Office: +1.818.347.3333 | Fax: +1.818.347.4118 | Email: blevine@galipolaw.com www.GalipoLaw.com

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From: Kayleigh Andersen <Kayleigh.Andersen@manningkass.com>
Sent: Monday, May 5, 2025 12:52 PM
To: Benjamin Levine <blevine@galipolaw.com>; DALEKGALIPO@yahoo.com <DALEKGALIPO@yahoo.com>; Santiago Laurel <slaurel@galipolaw.com>; garo@garolaw.com <garo@garolaw.com>; Lmarks@garolaw.com <Lmarks@garolaw.com>; Thor Dockweiler <thor@garolaw.com>; Daniel Diaz <daniel@garolaw.com>
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Subject: Llamas (PC) Request to Meet and Confer re Defendants' MSJ

Good afternoon all,

I am reaching out to set up a time to meet and confer regarding defendants' Motion for Summary Judgment. I can be available to meet and confer as follows: Wednesday 5/7 between 10 and 3, Thursday 5/8 between 10 and 12, and Friday 5/9 between 8 and 10 and then 2:30 to 4:00.

As a starting point, here is a very brief outline of the defendants' anticipated MSJ:

1. Defendants are entitled to summary judgment on the first, second, third, fourth, fifth, sixth, seventh, and eighth causes of actions brought by S.L. and V.L., their respective guardians ad litem, because each lacks standing to bring any wrongful death and survivorship claims.
2. Defendants are entitled to summary judgment on the third, fourth, fifth, sixth, seventh, and eighth causes of actions brought by Decedent's mother, Carolyn Campbell because she lacks standing to bring any wrongful death and survivorship claims.
3. Defendants Hubacheck and McGuire are entitled to judgment on Plaintiff's first cause of action under 42 U.S.C. § 1983, brought by S.L and V.L., for excessive force in violation of the Fourth Amendment. First, the undisputed facts demonstrate that the force used was reasonable under the totality of the circumstances. Further, Defendants Hubacheck and McGuire are entitled to qualified immunity because there is no evidence that the use of force violated any clearly-established law.
4. Defendants Hubacheck and McGuire are entitled to judgment on Plaintiff's second of action under 42 U.S.C. § 1983, brought by S.L and V.L., for denial of medical care.
5. Defendants Hubacheck and McGuire are entitled to judgment on Plaintiff's third cause of action under 42 U.S.C. § 1983, brought by all Plaintiffs, for loss of familial relationship under the First and Fourteenth Amendments.
6. The County of Riverside is entitled to judgment on Plaintiffs' fourth and fifth causes of action under Municipal Liability. First, the undisputed facts demonstrate that the force used was reasonable under the totality of the circumstances. Second, there is no evidence of an unconstitutional policy, practice, or custom, as well as no evidence of failure to train that caused any alleged constitutional violation.
7. Defendants are entitled to summary judgment on the sixth and seventh causes of action (battery and negligence) under California state law. First, the undisputed facts demonstrate that the force used was reasonable under the totality of the circumstances. Second, there are no underlying wrongful acts to impose vicarious liability to the County and the County cannot be directly liable under a negligent hiring, training, or supervision theory. Cal. Gov. Code § 815.2. *Munoz v. City of Union City*, 120 Cal. App. 4th 1077, 1113 (2004), overruled in part on other grounds by *Hayes*, 57 Cal. 4th 622.
8. Defendants are entitled to summary judgment on the eighth cause of action under the Bane Act for the reasons above.

Defendants reserve the right to expand on the above.

Please provide the date and time that work best for you to meet and confer by phone or Zoom.

Thank you,
Kayleigh

Kayleigh Andersen

Partner



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Los Angeles, CA 90017

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EXHIBIT 24

EXHIBIT 24

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CASE NO.: 5:24-cv-00249-CAS (SPx)

-----x

Johnny Ray Llamas,
Plaintiffs,

V.

County of Riverside,
Defendants.

-----x

October 23rd, 2024
Deposition via Zoom.

1 A P P E A R A N C E S

2 Appearing on behalf of the plaintiff and the witness:

3 BY: LAWRENCE MARKS, ESQ

4

5 Appearing on behalf of the defendants:

6 BY: KAYLEIGH ANDERSEN, ESQ

7

8 Appearing on behalf of Plaintiff V.L.:

9 BY: SHANNON LEAP, ESQ

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I N D E X

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WITNESS

EXAMINATION

PAGE

4

S.L.

DIRECT EXAMINATION

5

BY MS. ANDERSEN

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8 THE VIDEOGRAPHER: We are now on the record. This
9 begins Videotape number 1 in the deposition of S.L.
10 in the matter of Johnny Ray Llamas vs. County of
11 Riverside in the United States District Court,
12 Central District of California. Today is October
13 23rd, 2024. The case number is
14 5:24-cv-00249-CAS(SPx). The time is 10:04 a.m.
15 This deposition is being taken remotely at the
16 request of Manning & Kass. The videographer is
17 Victor Salcedo (phonetic) of Magna Legal Services,
18 and the court reporter is Kathleen McLaughlin of
19 Magna Legal Services.
20 Will Counsel and all parties present state their
21 appearances and whom they represent.
22 MR. MARKS: Lawrence Marks, I represent
23 the plaintiffs.
24 MS. LEAP: Shannon Leap on behalf of
25 plaintiff V.L.

1 MS. ANDERSEN: Kayleigh Andersen on
2 behalf of the defendants.

3 THE VIDEOGRAPHER: Will the court
4 reporter please swear in the witness.

5 MR. MARKS: Not (inaudible) yet, but
6 you'd have to raise your hand.

7 THE COURT REPORTER: Yes. Would you
8 please raise your hand.

9 MR. MARKS: That's you, yes.

10 THE COURT REPORTER: May I ask, do you
11 know the difference between telling the truth and
12 telling a lie?

13 S.L.: Yeah.

14 THE COURT REPORTER: Will you promise
15 today that everything you say will be the truth?

16 THE WITNESS: Yes.

17 (Whereupon, the witness was duly sworn.)

18 THE COURT REPORTER: Thank you.

19 MS. ANDERSEN: All right. Good morning.
20 My name is Kayleigh. I have some questions that I
21 want to ask you today. I don't want to take up too
22 much of your time but if you need a break at any
23 time to use the bathroom, get a drink of water, talk
24 to your mom or your guardian, anything like that,
25 you just let me know. Okay?

1 THE WITNESS: Okay.

2 MS. ANDERSEN: So the court reporter who
3 just swore you in, she's going to be creating what's
4 called a transcript of my questions to you and your
5 responses today. So you're doing a good job so far.
6 So just continue to answer questions out loud as
7 opposed to like shaking your head or nodding. Okay?
8 Is that okay?

9 THE WITNESS: Yeah.

10 MS. ANDERSEN: Okay. Great. Thank you.
11 So the court reporter asked you when she was -- she
12 asked you to raise your hand if you know the
13 difference between a truth and a lie. Do you know
14 the difference between a truth and a lie?

15 THE WITNESS: Yeah.

16 MS. ANDERSEN: Okay. So today I only
17 want you to tell the truth. Just do your best to
18 answer the questions I ask of you. Okay?

19 THE WITNESS: Okay.

20 MS. ANDERSEN: If you don't understand
21 my question, can you let me know?

22 THE WITNESS: Mm-hmm.

23 MS. ANDERSEN: Okay. And I'll -- I'll
24 do my best for -- to rephrase it or ask it another
25 way. Does that make sense?

1 THE WITNESS: Yeah.

2 MS. ANDERSEN: Great. Okay. So in the
3 room with you, I believe is your guardian?

4 THE WITNESS: Mm-hmm. Yeah.

5 MS. ANDERSEN: Okay. What -- what do
6 you call her?

7 THE WITNESS: Mom.

8 MS. ANDERSEN: Mom. Okay. So your mom,
9 and then there's the attorney in the room with you.
10 Is that -- is that everybody in the room with you?

11 THE WITNESS: Yeah.

12 MS. ANDERSEN: Okay. Thank you very
13 much. All right. So one more thing about like the
14 ground rules for my questions for you today. I
15 don't want you to guess about anything. Okay? So
16 if you don't know the answer to my question, feel
17 free to let me know that. Okay?

18 THE WITNESS: Okay.

19 MS. ANDERSEN: Great. Thank you.

20 Whereupon,

21 S.L.,

22 having been first duly sworn, was examined and testified
23 as follows:

24 DIRECT EXAMINATION

25 BY MS. ANDERSEN:

1 Q. How old are you?

2 A. Eleven.

3 Q. Eleven. Okay. What -- what -- what's your

4 date of birth? Your birthday?

5 A. Oh, my birthday, July 8th.

6 Q. July 8th of what year?

7 A. 2023 -- I mean, 2013.

8 Q. Okay. Thank you. What grade are you in?

9 A. Sixth.

10 Q. Sixth grade. Okay. Have you ever spoken
11 with anyone who's like a police officer about your
12 dad at any time?

13 A. Well, not a police officer.

14 Q. Okay. Thank you. What's your dad's name?

15 A. Johnny.

16 Q. Okay. Do you remember the last time you saw
17 your dad?

18 A. Yeah, no, not really.

19 Q. Okay. Do you know how old you were when you
20 last saw your dad?

21 A. No, I don't.

22 Q. Okay. Do you know the last time you talked
23 to your dad?

24 A. Like, I want to say like 2020 probably.

25 Q. Okay. Do you know if you saw your dad at any

1 time after 2020 like in person?

2 A. No.

3 Q. Okay. What grade were you in back in -- in
4 2020, if you can remember?

5 A. I don't remember.

6 MR. MARKS: You didn't know there was
7 going to be math questions today, did you.

8 BY MS. ANDERSEN:

9 Q. So if I'm doing the math right, you were born
10 in 2013, in 2020 you would've turned seven. Does
11 that sound right?

12 A. Yeah.

13 Q. Okay.

14 A. Probably.

15 Q. So maybe when you were about seven was the
16 last time you -- you actually saw your dad?

17 A. Yeah.

18 Q. Okay. And -- and also the last time you
19 maybe you spoke to him was when you were seven.
20 Does that sound right?

21 A. Yeah.

22 Q. Okay. Do you remember living in the same
23 house with house with your dad at any time?

24 A. Yeah, he lived with us.

25 Q. Okay. Do you know what age you were when he

1 lived with you?

2 A. I don't remember.

3 Q. Okay. Was it before you were seven, I
4 assume?

5 A. Yeah.

6 Q. Okay. Do you know if your dad always lived
7 with you, like as far back as you can remember until
8 the time you were seven?

9 A. He -- I don't remember when he --

10 Q. That's okay. That's okay. Can you tell me
11 what kind of things you liked to do with your dad?

12 A. Walk to the store with him, talk to him, play
13 with him.

14 Q. Okay. Other than your mom, have you ever
15 talked about your dad with anyone else since --
16 since 2020?

17 A. Yeah, I've talked about him.

18 Q. Who -- who did you talk to other than your
19 mom and also the -- the man sitting in the room with
20 you, your attorney?

21 A. My grandma, my cousin, my aunt, my uncle, and
22 my sister.

23 Q. Okay. What's your sister's name?

24 A. Sariah (phonetic). And then there's two so,
25 Sariah and Carolyn.

1 Q. Okay. And then you said your grandma, do you
2 know your grandma's name?

3 A. Yeah, Carolyn.

4 Q. Was that your dad's mom?

5 A. Yeah.

6 Q. Okay. And then I think you said aunt that
7 you also talked to?

8 A. Yeah.

9 Q. Do you know her name?

10 A. Yeah, Michelle (phonetic).

11 Q. Okay. And then I think you also said uncle.
12 What -- what's his name?

13 A. Clint (phonetic).

14 Q. Okay. Other than those people that you just
15 named, is there anyone else that you've spoken to
16 about your dad?

17 A. No, I can't remember anyone else.

18 Q. Have you ever spoken to anyone at school
19 about your dad?

20 A. Yeah, my friends.

21 Q. Your friends. Have you ever talked to like a
22 teacher or a counselor about your dad at school?

23 A. A counselor, yeah. But that was in fifth
24 grade.

25 Q. Okay. Back in fifth grade?

1 A. Mm-hmm.

2 Q. Okay. Since that -- since talking about your
3 dad with that school counselor back in fifth grade,
4 have you talked to anyone while you've been in sixth
5 grade at school about your dad?

6 A. No.

7 Q. Okay. What about before you were in fifth
8 grade, did you talk to any counselor or teacher at
9 school about your dad?

10 A. No.

11 Q. Do you remember the name of the counselor you
12 spoke to in -- in fifth grade?

13 A. No, I can't remember.

14 Q. Okay. What school was that at? Do you know
15 -- do you know the name of the school you were at in
16 fifth grade?

17 A. Yeah, I was at Machado.

18 Q. And what city is that in?

19 A. Lake Elsinore.

20 Q. Okay. Do you still live in Lake Elsinore?

21 A. Yeah.

22 Q. Have you always lived in Lake Elsinore?

23 A. Yeah.

24 Q. Okay. Do you go to a different school now
25 that you're in sixth grade?

1 A. Yeah.

2 Q. What's the name of your current school?

3 A. Terra Cotta.

4 Q. Terra Cotta. Is that a middle school?

5 A. Yeah.

6 Q. Okay. So I asked you about last time you
7 talked to your dad. What about like either text
8 messages or letters or cards, since 2020, have you
9 sent your dad any text messages or cards or anything
10 like that?

11 A. Well, I have, I haven't like texted him or
12 nothing, I have a whiteboard that I wrote on, like,
13 I love you on it, and he wrote back to me on it.

14 Q. Okay. When -- when was that?

15 A. That was like about a year ago. A year ago,
16 yeah.

17 Q. Okay. And where is that whiteboard? Do --
18 do you have it like in your room?

19 MR. MARKS: We have it in the room with
20 -- with us today.

21 MS. ANDERSEN: Oh.

22 MR. MARKS: She brought it with her
23 today. I could show it to the screen if you want to
24 see it.

25 MS. ANDERSEN: Sure. That -- that's

1 fine. You want to do that.

2 MR. MARKS: Sure.

3 BY MS. ANDERSEN:

4 Q. So it says, I love you kid and I miss you so
5 much; is that right?

6 A. Mm-hmm.

7 Q. Is that what it says? Okay. And then it
8 says your name, I won't say it on the record, but it
9 says your name on there too at the top; is that
10 right?

11 A. Yeah.

12 Q. Okay. Because you're under 18, we refer to
13 you as S.L. Okay. So I just -- so there's no
14 confusion, I just don't want to say your -- your
15 real name. Okay. And so has that been like in your
16 room that he wrote that on for you?

17 A. Yeah, I found it after he passed away.

18 Q. Okay. Okay. Do you know when he wrote that
19 then if you found it after he passed away?

20 A. Well, I don't know the exact date, but I -- I
21 don't really know.

22 Q. Okay. But you didn't see that until after he
23 had passed away; is that right?

24 A. Yeah.

25 Q. Okay. So you don't know where that was

1 before he passed away; is that true?

2 A. Yeah, but I think it was hanging up on my
3 grandma's wall.

4 Q. Oh, okay. And your grandma Carolyn?

5 A. Yeah.

6 Q. Okay. And then other than that whiteboard,
7 do you have any other, let's say, did you send him
8 any letters or text messages between 2020 and when
9 he passed away?

10 A. I used to call him, like, he used to call me
11 through the jail and we -- we used to send cards to
12 each other. I'd send them -- I'd send him cards,
13 he'd send me back.

14 Q. Okay. So since 2020, did you talk to him
15 while he was in jail before he passed?

16 A. No.

17 Q. Okay. Would it have been before 2020 when
18 you would speak to him when he was in jail?

19 A. Yeah.

20 Q. Okay. And then, let's see, did you receive
21 any, like, letters or cards or text messages or
22 anything like that from him since 2020?

23 A. Yeah. Well, not since, but I have old cards
24 of his.

25 Q. Would that -- would they have been before

1 2020 then?

2 A. Yeah.

3 Q. Okay. What kind of cards did he send you?

4 A. He sent me, like, he would send them random,
5 but he'd send some, like that would say, oh, I love
6 and I miss you kid. And he goes -- and he used to
7 say, I can't wait until I get to go home so I can
8 hug you. And he -- if there was like a Halloween --
9 if it was Halloween, Thanksgiving holidays, he'd
10 send me like little, like a Easter card and like
11 Halloween cards and just mostly holiday cards.

12 Q. Okay. After he got out of jail, did you get
13 to see him?

14 A. Before 2020, yeah. After, no.

15 Q. Okay. I see. Did you ever go visit him in
16 jail before 2020?

17 A. No, I didn't.

18 Q. Okay. What kind of things did you talk to
19 your dad about?

20 A. My friends, school, mostly like bugs. What
21 kind of -- because like what kind of candy we'd like
22 or what we were going to do when we got home, or
23 what should we play. Yeah, mostly those things.

24 Q. Do you like bugs then?

25 A. Yeah.

1 Q. Okay. Is there a type of bug that you like
2 the most?

3 A. Not really a type of bug, but if I had to
4 choose it would be a little primantis.

5 MS. ANDERSEN: That's cute. Okay.
6 Well, I actually don't think I have any more
7 questions for you today.

8 I don't know if Mr. Marks, your
9 attorney, has any questions for you?

10 MR. MARKS: Not today.

11 MS. ANDERSEN: Okay. Well, thank you so
12 much for your time, you did a -- you did a great
13 job.

14 MR. MARKS: All right. Very good. So
15 we're done with the first one.

16 THE VIDEOGRAPHER: Are we ready to
17 conclude the deposition, Counsel.

18 MS. ANDERSEN: Yeah. We should go off
19 the record and then we'll come back. Does that
20 work.

21 MR. MARKS: Yes.

22 THE VIDEOGRAPHER: This concludes the
23 deposition --

24 THE COURT REPORTER: I just want to --
25 if I -- if I could just interject, would you give

1 some indication then, some kind of name of the
2 witness? We -- nothing was stated on the record.

3 MS. ANDERSEN: S.L.

4 THE COURT REPORTER: Thank you.

5 MS. ANDERSEN: Mm-hmm.

6 THE COURT REPORTER: Thank you.

7 And Mr. Marks -- Mr. Marks, do you want
8 to order a copy?

9 MR. MARKS: Please.

10 THE COURT REPORTER: Thank you?

11 Go ahead, Victor.

12 THE VIDEOGRAPHER: Perfect. Thank you
13 very much. This concludes the deposition of S.L.

14 We're off the record at 10:19 a.m.

15 (Whereupon, the deposition was concluded
16 at 10.19 a.m.)

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16 *Stephen Simpson*

17 STEPHEN SIMPSON, TRANSCRIBER
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Magna

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<div>A</div> <div>a.m 4:14 18:14,16 ACTION 19:9,10 age 9:25 ago 13:15,15 ahead 18:11 AND/OR 19:13 Andersen 2:6 3:5 5:1,1,19 6:2 6:10,16,20,23 7:2,5 7:8,12,19,25 9:8 13:21,25 14:3 17:5 17:11,18 18:3,5 answer 6:6,18 7:16 appearances 4:21 Appearing 2:2,5,8 APPLY 19:12 asked 6:11,12 13:6 assume 10:4 attorney 7:9 10:20 17:9 19:6,8 AUDIO 19:3 aunt 10:21 11:6 AUTHORIZED 19:3</div> <div>B</div> <div>back 9:3 10:7 11:25 12:3 13:13 15:13 17:19 bathroom</div>	<div>5:23 begins 4:9 behalf 2:2,5,8 4:24 5:2 believe 7:3 best 6:17,24 birth 8:4 birthday 8:4,5 born 9:9 break 5:22 brought 13:22 bug 17:1,3 bugs 16:20,24</div> <div>C</div> <div>C 2:1 California 1:2 4:12 call 7:6 15:10,10 called 6:4 candy 16:21 card 16:10 cards 13:8,9 15:11,12,21 15:23 16:3,11,11 Carolyn 10:25 11:3 15:4 case 1:3 4:13 Central 1:2 4:12</div>	<div>CERTIFICATE 19:1 CERTIFICATION 19:11 CERTIFY 19:2,6 CERTIFYING 19:14 choose 17:4 city 12:18 Clint 11:13 come 17:19 conclude 17:17 concluded 18:15 concludes 17:22 18:13 confusion 14:14 CONNECTED 19:8 continue 6:6 CONTROL 19:13 copy 18:8 CORRECT 19:4 Cotta 13:3,4 Counsel 4:20 17:17 19:6,8 counselor 11:22,23 12:3,8,11 County 1:8 4:10 court 1:1 4:11,18 5:3,7,10 5:14,18 6:2,11 17:24 18:4,6,10</div>	<div>cousin 10:21 creating 6:3 current 13:2 cute 17:5</div> <div>D</div> <div>D 3:1 dad 8:12,17,20,23,25 9:16,23 10:6,11,15 11:16,19,22 12:3,5 12:9 13:7,9 16:19 dad's 8:14 11:4 date 8:4 14:20 DATED 19:15 DAY 19:15 DECEMBER 19:15 defendants 1:9 2:5 5:2 deposition 1:13 4:9,15 17:17,23 18:13,15 difference 5:11 6:13,14 different 12:24 DIRECT 3:4 7:24 19:13 DIRECTION 19:13 District 1:1,2 4:11,12 doing 6:5 9:9 drink 5:23</div>
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EXHIBIT 25

EXHIBIT 25

V.L.

October 24, 2024

Page 1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. 5:24-cv-00249-CAS (SPx)

S.L., a minor by and through the)
Guardian ad Litem Kristine)
Llamas-Leyva, individually and)
as successor-in-interest to)
JOHNNY RAY LLAMAS, deceased;)
V.L, by and through the)
Guardian ad Litem Amber)
Sietsinger, individually and as)
successor-in-interest to JOHNNY)
RAY LLAMAS, deceased; and)
CAROLYN CAMPBELL, individually,)
)
Plaintiffs,)
)
vs.)
)
COUNTY OF RIVERSIDE and)
DOES 1-10, inclusive,)
)
Defendants.)
-----)

REMOTE VIDEOTAPED DEPOSITION OF V.L.
Thursday, October 24, 2024
CONDUCTED VIA ZOOM VIDEO CONFERENCE

REPORTED BY: KATHLEEN S. McLAUGHLIN
Certified Shorthand Reporter
License No. 5845

Magna Legal Services
866-624-6221
www.MagnaLS.com

V.L.

October 24, 2024

Page 2

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

3
4 Case No. 5:24-cv-00249-CAS (SPx)

5
6 S.L., a minor by and through the)
Guardian ad Litem Kristine)
7 Llamas-Leyva, individually and)
as successor-in-interest to)
8 JOHNNY RAY LLAMAS, deceased;)
V.L, by and through the)
9 Guardian ad Litem Amber)
Sietsinger, individually and as)
10 successor-in-interest to JOHNNY)
RAY LLAMAS, deceased; and)
11 CAROLYN CAMPBELL, individually,)
)
12 Plaintiffs,)

13 vs.)
)

14 COUNTY OF RIVERSIDE and)
DOES 1-10, inclusive,)
15)
Defendants.)

16 -----)
17
18
19

20 Remote videotaped deposition of V.L.
21 taken on behalf of Defendant beginning at 10:08 a.m.
22 on Thursday, October 24, 2024, remotely before
23 KATHLEEN S. McLAUGHLIN, Certified Shorthand Reporter
24 No. 5845, located in the City of Vista, County of
25 San Diego, State of California.

V.L.

October 24, 2024

Page 3

1 A P P E A R A N C E S

2

3 (All parties appeared via Zoom video conference)

4

5 FOR THE PLAINTIFFS V.L. by and through the Guardian
ad Litem, Amber Snetsinger, individually and as
6 successor-in-interest to JOHNNY RAY LLAMAS,
deceased:

7

8 SHANNON J. LEAP, ESQ.

9 LAW OFFICES OF DALE K. GALIPO

10 21800 Burbank Blvd.

11 Suite 310

12 Woodland Hills, California 92367-6479

13 818.347.3333

14 sleap@galipolaw.com

15

16 FOR THE PLAINTIFFS S.L. by and through the Guardian
ad Litem, Kristine Llamas Leyva, individually and as
17 successor-in-interest to JOHNNY RAY LLAMAS,
deceased, and CAROLYN CAMPBELL, individually:

18

19 LAWRENCE D. MARKS, ESQ.

20 MARDIROSSIAN AKARAGIAN, LLP

21 6311 Wilshire Blvd.

22 Los Angeles, California 90048-5001

23 323.653.6311

24 lmarks@garolaw.com

25 (continued)

V.L.

October 24, 2024

Page 4

1 A P P E A R A N C E S

2 (continued)

3

4 FOR THE DEFENDANT:

5

6 KAYLEIGH ANDERSEN, ESQ.

7 MANNING & KASS

8 ELLROD, RAMIREZ, TRESTER LLP

9 801 S. Figueroa Street

10 15th Floor

11 Los Angeles, California 90017-3012

12 213.624.6900

13 kayleigh.andersen@manningkass.com

14

15

16 ALSO PRESENT:

17

18 BRAD BISSEGGER, VIDEOGRAPHER

19

20

21

22

23

24

25

V.L.

October 24, 2024

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1 I N D E X

2 Index of Examinations

3 Page

4 Examination by Ms. Andersen 7

5

6

7 EXHIBITS MARKED FOR IDENTIFICATION

8 (None)

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V.L.

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1 THURSDAY, OCTOBER 24, 2024

2 10:08 A.M.

3

4 THE VIDEOGRAPHER: We are now on the
5 record. This begins the video deposition of V.L. in
6 the matter of Johnny Ray Llamas versus County of
7 Riverside, et al. in the United States District
8 Court, Central District of California, case
9 5:24-cv-00249-CAS(SPx).

10 Today is October 24th, 2024, and the time
11 is 10:08 a.m. Pacific Daylight Time.

12 This deposition is being taken via Zoom at
13 the request of Manning & Kass, Ellrod, Ramirez,
14 Trester LLP for the defendant.

15 The videographer is Brad Bissegger of Magna
16 Legal Services, and the court reporter is Kathleen
17 McLaughlin of Magna Legal Services.

18 Will counsel for the parties please state
19 their appearances and whom they represent.

20 MS. LEAP: Shannon Leap on behalf of
21 plaintiff V.L., who is also the witness.

22 MR. MARKS: Lawrence Marks on behalf of
23 plaintiff S.L. and plaintiff Carolyn Campbell.

24 MS. ANDERSEN: Kayleigh Andersen on behalf
25 of the defendants.

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1 THE VIDEOGRAPHER: Thank you. The court
2 reporter may now swear in the witness.

3

4 V.L.,

5 Called as a witness by and on behalf of the
6 Defendant, and having been first duly sworn by the
7 Deposition Officer, was examined and testified as
8 follows:

9

10 EXAMINATION

11 BY MS. ANDERSEN:

12 Q Good morning, V.L. I'm going to refer to
13 you as V.L. because you're a minor in this case. I
14 know that's not your name. Those are your
15 initials.

16 But I'm going to be asking you some
17 questions today. First I want to just kind of
18 explain what this process is so we both understand
19 and have a smoother transcript and deposition today.

20 A deposition is a question-and-answer
21 session. So I'm going to be asking you questions,
22 and you do your best to provide your answer or your
23 best answer.

24 Does that make sense?

25 A Yes.

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1 Q Okay.

2 So the court reporter who just swore you in
3 is going to take down everything that's said today
4 and put it all into what's called a transcript.

5 So in order to make that transcript clear
6 and legible, I'd just ask that you continue giving
7 verbal responses, like you have been, as opposed to,
8 you know, nodding your head or shaking your head or
9 saying uh-uh in response to my questions.

10 Does that make sense?

11 A Yes.

12 Q Okay.

13 If you need a break at any time today, just
14 let me know. I don't anticipate having too many
15 questions for you. But if you do need a break, just
16 let me know; okay?

17 A Yes.

18 Q At no time today do I want you to make any
19 guesses. So if you don't know the response to my
20 question, you can certainly go ahead and say, "I
21 don't know."

22 Are you comfortable with that?

23 A Yes.

24 Q Okay.

25 Have you looked at anything in preparation

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1 for your deposition today?

2 A What do you mean?

3 Q Have you looked at any documents, videos,
4 you know, listened to any audio in order to prepare
5 for your deposition right now?

6 A No. I don't think so, no.

7 Q Okay.

8 And just to make it clear, I don't want you
9 to tell me anything that you've discussed with your
10 attorneys in this case; okay?

11 A Okay.

12 Q So if you had communication with Ms. Leap
13 here who is on the Zoom with us or anyone from her
14 office, I don't want to know about that.

15 Do you understand that?

16 A Yes.

17 Q Okay.

18 Have you ever spoken to any police officers
19 or cops about your dad?

20 A No.

21 Q Okay. What's your birthday?

22 A 8-20-2011.

23 Q So you would currently be 13 years old. Is
24 that right?

25 A Yes.

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1 Q What grade are you in?

2 A Eighth grade.

3 Q Do you go to middle school?

4 A Yes.

5 Q What's the name of your middle school?

6 A Mangum Middle School.

7 Q Can you say that again?

8 A Mangum Middle School.

9 Q Okay. And where do you live?

10 A In Mangum, Oklahoma.

11 Q Who do you live with right now?

12 A My mom and my siblings.

13 Q Okay. How many siblings do you have that
14 live with you?

15 A (Unintelligible.)

16 (Reporter interrupts for
17 clarification of the record.)

18 (Record read as follows:

19 "Q How many siblings do you
20 have that live with you?")

21 THE WITNESS: Three.

22 BY MS. ANDERSEN:

23 Q Do you know their ages?

24 A I think 11 and nine and two.

25 Q Do you guys all have the same mom?

V.L.

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1 A Yes.

2 Q Okay. Is it just your mom and your
3 siblings that you live with?

4 A Yes.

5 Q When did you move to Oklahoma?

6 A I think two or three years ago.

7 Q Two or three years ago? Were you living in
8 Oklahoma when your dad died?

9 A Yes.

10 Q Okay.

11 What's your dad's name?

12 A Johnny Llamas.

13 Q And what's your mom's name?

14 A Amber Snetsinger.

15 Q Without telling me your first name, what's
16 your last name?

17 A Llamas.

18 Q Do any of your siblings share the same dad
19 as you?

20 A No. (Unintelligible.)

21 THE COURT REPORTER: I'm sorry. I need to
22 go off the record a moment. I need to fix the
23 audio.

24 THE VIDEOGRAPHER: Off the record at
25 10:14 a.m.

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1 (Off the record.)

2 THE VIDEOGRAPHER: Back on the record at
3 10:19 a.m.

4 BY MS. ANDERSEN:

5 Q So we just took a brief break to switch
6 rooms. I think we have much better sound now. So
7 thank you, V.L., for that.

8 So before we took that very brief break, I
9 was asking you about your siblings. You have three
10 siblings that you currently live with; correct?

11 A Yes, ma'am.

12 Q Can you speak up a little bit? I'm sorry.

13 A Yes, ma'am.

14 Q Okay.

15 MS. ANDERSEN: Can the court reporter hear
16 that?

17 (Discussion off the record.)

18 BY MS. ANDERSEN:

19 Q I understand you have more siblings than
20 just the three that you live with.

21 Is that correct?

22 A Yes.

23 Q Okay.

24 How many siblings do you have from your
25 dad?

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1 A One.

2 Q And without telling me her name --

3 actually, how about if I just ask it this way. Is

4 the first initial of her first name S?

5 A Yes.

6 Q Okay. And she lives in California;

7 correct?

8 A Yes.

9 Q Yes?

10 A Yes.

11 Q Sorry. You have to, like, speak a lot

12 louder. I know it's hard.

13 A Yes.

14 Q Thank you.

15 And so you and S.L. -- is what I'll call

16 your sister on your dad's side -- you guys have the

17 same dad, Johnny Llamas?

18 A Yes.

19 Q Do you know the last time you saw S.L.?

20 A This summer.

21 Q Summer of 2024, so like a few months ago?

22 Does that sound right?

23 A No. Wait. Not this summer because I

24 didn't go to California this summer. It was the

25 summer before that.

V.L.

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1 Q Okay. Summer of 2023?

2 A Yes.

3 Q Okay.

4 Do you recall the last time you lived with

5 your dad?

6 A I don't know.

7 Q Do you know if you ever lived with your

8 dad?

9 A I don't think so.

10 Q Before you moved to Oklahoma where did you
11 live?

12 A In Perris, California.

13 Q Okay.

14 And had you lived there pretty much your
15 entire life as far back as you can remember?

16 A Yes.

17 Q Yes?

18 A Yes.

19 Q Okay.

20 MS. LEAP: V.L., if you can just wait for
21 her to finish asking her question, it's easier for
22 the court reporter.

23 THE WITNESS: Sorry.

24 BY MS. ANDERSEN:

25 Q I know this is a very weird process, and

V.L.

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1 it's over Zoom which makes it even weirder. But
2 just do your best to wait. Even though you know
3 what I'm asking you, just let me finish my question
4 and then you can go ahead and give your answer;
5 okay?

6 A Okay.

7 Q Continue to keep your voice up. You're
8 very soft-spoken. But keep your voice up; okay?

9 A Okay.

10 Q Thank you.

11 So you're in eighth grade. Have you ever
12 talked to a counselor or anybody at your middle
13 school about your dad?

14 A Yes.

15 Q Okay.

16 Do you remember the name of the school
17 counselor you spoke to about your dad?

18 A It wasn't really a school counselor. I got
19 recommended to this counselor by my school
20 counselor, but she wasn't a school counselor. She
21 was a camp counselor.

22 Q Okay. Just a therapist who is not at your
23 school? Does that sound right?

24 A Yes.

25 Q Okay. Do you know her name?

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1 A No.

2 Q When was the last time you saw her?

3 A I think -- I can't remember the last time I
4 saw her.

5 Q Do you know about how many times you saw
6 that therapist or counselor?

7 A I know I saw -- I went there, like, two
8 times a week every -- I was there for, like, a
9 month. I keep going, like, a month. So I don't
10 know.

11 Q Okay.

12 So about two times a week for a month? Is
13 that what you said?

14 A Yes.

15 Q Okay.

16 Would that have been when you were -- let's
17 see. If you're in eighth grade now, in sixth or
18 seventh grade?

19 A Yes. Seventh.

20 Q Seventh grade?

21 A Yes.

22 Q Okay.

23 Other than that therapist or counselor that
24 you saw outside of school, have you seen anybody
25 else, any type of therapist or counselor since your

1 dad's passing?

2 A No.

3 Q Do you remember the last time that you
4 actually saw your dad in person?

5 A No, I don't remember.

6 Q Okay.

7 Do you know -- did he ever come to visit
8 you in Oklahoma?

9 A No.

10 Q Okay.

11 Did you ever -- since you moved to
12 Oklahoma, did you ever go back to California to
13 visit him?

14 A No. I mean, I went back to California, but
15 I didn't visit him.

16 Q Okay.

17 Do you remember anytime in your entire life
18 that you saw your dad in person?

19 A No.

20 Q Okay.

21 Did you -- since moving to Oklahoma, did
22 you ever speak to your dad on the phone?

23 A Yes.

24 Q Okay.

25 When was the last time you spoke with him

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1 on the phone? If you can remember.

2 A Two months -- two or one months before he
3 died.

4 Q What kind of things did you talk about with
5 him on that phone call?

6 A Just about, like, what we were going to do
7 when -- because we had plans for me to see him that
8 summer, and we just talked. We got to know each
9 other and all that.

10 Q You got to know each other on that phone
11 call or that was just where you were planning what
12 you were going to do during your visit?

13 A In that phone call. And then we, like,
14 planned stuff.

15 Q Okay.

16 Was that the first time you spoke to him on
17 the phone?

18 A No.

19 Q How often would you speak to your dad on
20 the phone?

21 A Not that often but it was, like, sometimes.

22 Q Do you have a good estimate, like maybe how
23 many times a week, how many times a month, a year?

24 A He'd go, like, a couple months without
25 talking to me, and then, like, he'll text me and

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1 then call me. And then he'd go, like, a couple
2 months and then he'd text me and call me.

3 Q Okay.

4 And when he texted you, was it on a cell
5 phone that you had or was he texting through your
6 mom?

7 A Through my mom.

8 Q Okay.

9 Did you ever talk to him via text on a
10 phone that you have?

11 A No.

12 Q Other than when you guys were planning,
13 like, what you guys were going to do during your
14 visit to California, what other things did you talk
15 about with your dad on the phone?

16 A Mainly just like what my favorite color
17 was, my favorite food. Just like some questions,
18 like, to get to know me more.

19 Q Okay.

20 What about during the other phone calls you
21 had with him? What kind of things would you guys
22 talk about?

23 A The same thing. He just kept asking more
24 and more questions.

25 Q Okay.

1 So these might be tough questions to
2 answer. I know you're 13, but you can do your best
3 to give your answer.

4 How has your dad's passing affected you at
5 school?

6 A It's -- it's, like, affected me a lot in
7 school. I don't know how to really answer, like,
8 how it -- I know how it affected me but it's -- I
9 don't -- sorry.

10 Q You don't have to apologize. You can do
11 whatever you're comfortable with explaining of how
12 it's affected you, whether it's inside or outside of
13 school.

14 A Like, I mean, I mainly feel distant from my
15 family. And then it's kind of hard for me to kind
16 of make friends and -- yeah. It was just harder.

17 Q Okay.

18 And you're saying that you didn't have
19 those kinds of problems or didn't think you had
20 those kinds of problems before your dad's passing?

21 A I didn't have those problems.

22 Q Okay.

23 Did you ever ask your mom to see your dad
24 in person before I guess it would have been summer
25 of 2023?

1 A I mean, every time we'd call, he'd always
2 say we were going to meet. So, like, I had -- but
3 then we never ended up really doing it.

4 And then -- I don't know. We had plans to
5 before the month before he died too, but it didn't
6 end up coming through, and that was the last time.

7 Q Other than your mom and your -- I'm sorry.
8 Other than your attorneys in this case and the
9 school counselor, have you talked with anybody else
10 about losing your dad?

11 A Not -- like, no. No.

12 Q Did you ever talk to your mom about it?

13 A No, not really. I kind of keep that to
14 myself. Like my feelings about that.

15 Q Okay.

16 Well, I don't have any other questions for
17 you. I know that was pretty fast. But I don't know
18 if your attorney has any questions for you.

19 MS. LEAP: No. Not today.

20 MS. ANDERSEN: Okay. Thank you, V.L.

21 Maybe you go get your mom. You are done, though.

22 THE WITNESS: I'll go get her; okay?

23 MS. ANDERSEN: Okay.

24 MS. LEAP: Okay.

25 THE VIDEOGRAPHER: Kathleen, do you need

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1 transcript orders before we go off?

2 THE COURT REPORTER: Yes, I do.

3 Ms. Leap, did you want to order a copy?

4 MS. LEAP: Not at this time, but I can

5 reply to your email that you sent yesterday.

6 THE COURT REPORTER: Thank you. That's it.

7 THE VIDEOGRAPHER: This concludes today's

8 deposition. The time is 10:29 a.m. The date is

9 October 24th, 2024. We are off the record.

10 (The deposition concluded at 10:29 a.m.)

11 (END OF PROCEEDINGS. DECLARATION UNDER
12 PENALTY OF PERJURY ON THE FOLLOWING PAGE HEREOF.)

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1 I, V.L., do hereby declare under penalty of
2 perjury that I have read the foregoing transcript;
3 that I have made any corrections as appear noted in
4 ink initialed by me or, in the alternative, changes
5 have been noted to an electronic version and
6 conveyed; that my testimony as contained herein, as
7 corrected, is true and correct.

8 EXECUTED THIS _____ day of _____.

9 20____, at _____, _____.

(City)

(State)

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V.L.

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1 ERRATA SHEET

2 (Correction List)

3 PAGE LINE CHANGE

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1 CERTIFICATE OF
2 CALIFORNIA CERTIFIED SHORTHAND REPORTER
3

4 I, Kathleen S. McLaughlin, a Certified
5 Shorthand Reporter in the State of California,
6 Certificate No. 5845, do hereby certify:

7 I am a duly qualified Certified Shorthand
8 Reporter in the State of California, Certificate
9 No. 5845 issued by the Court Reporters Board of
10 California and which is in full force and effect.
11 (Business & Professions Section 8016).

12 I am not financially interested in this
13 action and am not a relative or employee of any
14 attorney of the parties or of any of the parties.
15 (California Code of Civil Procedure Section
16 2025.320[a]).

17 I am authorized to administer oaths or
18 affirmations pursuant to California Code of Civil
19 Procedure Section 2093(b) and, prior to being
20 examined, the deponent was first placed under oath
21 or affirmation by me. (California Code of Civil
22 Procedure Sections 2025.320, 2025.540[a]).

23 I am the deposition officer that
24 stenographically recorded the testimony in the
25 foregoing deposition, sworn statement or

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1 declaration, and the foregoing transcript is a true
2 record of the testimony given. (California Code of
3 Civil Procedure Section 2025.540[a]).

4 The foregoing proceedings were taken
5 before me at the time herein set forth. Every
6 attempt was made to ensure a verbatim record of the
7 remote proceedings, which inherently have technical
8 interference, audio interruptions and transmission
9 issues.

10 Such transcript was created by me using
11 machine shorthand which was thereafter transcribed
12 under my direction.

13 Reading and signing was requested.

14 IN WITNESS WHEREOF, I have this date
15 subscribed my name. My certificate to the original
16 may be attached to certified copies electronically.

17

18 Dated: January 10, 2025

KATHLEEN S. McLAUGHLIN

19

CSR No. 5845

20

21

22

23

24

25

1 CERTIFICATE OF
2 CALIFORNIA CERTIFIED SHORTHAND REPORTER
3 (California Code of Civil Procedure
4 Section 2025.520[e])
5

6 I, Kathleen S. McLaughlin, a Certified
7 Shorthand Reporter in the State of California,
8 Certificate No. 5845, do hereby certify:

9 I am the deposition officer that
10 stenographically recorded the testimony in the
11 foregoing proceeding.

12 Written notice pursuant to California Code
13 of Civil Procedure Section 2025.520[a] having been
14 sent, the deponent took the following action within
15 the allotted period with respect to the transcript
16 of the proceeding:

17 () In person, at the office of the
18 deposition officer, made the changes set forth on
19 the original of the transcript and signed the
20 transcript. The parties attending the proceeding
21 have been notified of said changes.

22 () Approved the transcript by signing
23 it.

24 () Declined to approve the transcript by
25 not signing it.

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1 () By means of a signed letter, made the
2 changes and approved or declined to approve the
3 transcript as set forth therein. Said letter has
4 been attached to the original transcript and copies
5 thereof mailed to all parties attending the
6 proceeding.

7 () Failed to approve the transcript
8 within the allotted time period.

9
10 Dated: January 10, 2025

Kathleen S. McLaughlin

KATHLEEN S. McLAUGHLIN

CSR No. 5845

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Magna

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